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Secretary of State

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Springfield, IL 62756

(217) 782-9786

ILLINOIS REGISTER

Rules of Governmental Agencies

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COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Contract Content

2) Code Citation: 74 Ill. Adm. Code 290

3)

Section numbers:	Proposed action:
290.1203	Amendment
290.1204	Amendment
290.1205	Amendment
290.1206	Amendment
290.1207	Amendment
290.1209	Amendment
290.1210	Amendment
290.1211	Amendment
Appendix A	Amendment
Appendix B	Amendment

4) Statutory authority: Ill. Rev. Stat. 1987, ch. 15, par. 214; Ill. Rev. Stat. 1987, ch. 15, par. 221.

5) A complete description of the subjects and issues involved: These amendments are being promulgated in order to implement Public Act 85-827, which prohibits a state agency from contracting with an individual for goods or services if that individual is in default of an educational loan; Public Act 85-1295, which creates criminal offenses of bid-rigging, bid rotating and kickbacks in regards to public contracts and prescribes a new certification that must be included in the content of all State contracts for goods, services, and construction; and Public Act 86-150, which amends the Article on Public Contracts previously added to the Criminal Code of 1961 by Public Act 85-1295. Additionally, these amendments will increase the accuracy of the Office of the Comptroller's commercial vendor master file.

6) Will these proposed amendments replace any emergency rules currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: Not applicable.

COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

11) Time, place and manner in which interested persons may comment on these proposed amendments: Interested persons or organizations may submit written comments or requests to comment within 45 days of publication of this notice to:

Kirby VanZandt
Office of the Comptroller
201 State House
Springfield, Illinois 62706
(217) 782-6000

12) Initial regulatory flexibility analysis: These amendments do not affect small businesses.

The full text of the proposed amendments begins on the next page:

TITLE: PUBLIC FINANCE
CHAPTER II: COMPTROLLER

PART 290
CONTRACT CONTENT

AUTHORITY: Implementing Section 14 and authorized by Section 21 of the State Comptroller Act (Ill. Rev. Stat. 1987, ch. 15, pars. 214 and 221).

SOURCE: Adopted at 5 Ill. Reg. 6281, effective July 1, 1981; codified at 5 Ill. Reg. 10598; amended at 6 Ill. Reg. 5941, effective April 30, 1982; amended at 7 Ill. Reg. 5419, effective April 13, 1983; amended at 9 Ill. Reg. 6702, effective April 30, 1985; amended at 12 Ill. Reg. 22395, effective December 20, 1988; amended at ____Ill. Reg. _____, effective _____.

NOTE: Bold face type denotes statutory language.

Section 290.1203 Requirements for all Contracts

a) Agreements required to be filed with the Comptroller under Section 11 or Section 15 of the State Comptroller Act (Ill. Rev. Stat. 1987, ch. 15, par. 201 et seq.) must meet the criteria set forth in this Article. In general, a two party signed agreement must be filed for all expenditures exceeding $5,000 in a fiscal year, except for:
1) contracts paid from personal services, or

2) contracts between the State and its employees to defer compensation pursuant to Article 24 of the Illinois Pension Code.

b) Certain exceptions are listed in CUSAS (Comptroller's Uniform Statewide Accounting System) Procedures 15.20.70 under type code 41 and Section 290.1209 of these rules. In addition, agreements where the State does not incur a financial liability are not required to be filed with the Comptroller under this Part.

c) Legibility: All documents filed must be legible.

d) Bribery Clause: Every contract executed by the State must contain a certification by the contractor that the contractor is not barred from being awarded a contract or subcontract under Section 10.1 of "The Illinois Purchasing Act" (Ill. Rev. Stat. 1987, ch. 127, par. 132.10-1). Suggested language for the certification is set forth below:

The vendor certifies that it is not barred from being awarded a contract or subcontract under Section 10.1 of "The Illinois Purchasing Act" (Ill. Rev. Stat. 1987, ch. 127, par. 132.10-1).

~~1) Contracts and leases with nongovernmental entities must indicate compliance with Section 10.1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1987, ch. 127, par. 132.10-1). The certification may be a provision in the contract or a separate form attached to the contract. The certification shall not be on the Contract/Document (CDD form), except when this form is also the contract. The certification shall be signed by the contractor or by an authorized representative of the Agency. Suggested language for a certification is set forth below:~~

~~The undersigned certifies that (Name of Contractor) has not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has the contractor made an admission of guilt of such conduct which is a matter of record, nor has any official, officer, agent or employee been so convicted nor made such an admission.~~

~~Signature~~

~~2) The above certification may be modified at the discretion of the agency and need not be individually signed if incorporated in the contract. For another Sample, see item 8 of the Sample Contract (Appendix B of this Part).~~

e) Execution date: All contracts and leases must contain an execution date. An acceptable alternative is for the agency and the contractor to date their signature. The execution date of purchase orders and similar documents is the date on the document.

f) Filing Requirements:
1) Section 15 of the State Comptroller Act requires agencies to file contracts, leases or purchase orders within 15 days of execution. Cancellation or modifications to contracts, purchase orders, or leases are also subject to this time period.
2) The following rules will be applied in enforcing these filing requirements:
A) When the contract sets forth an execution date only, the 15 day period will be calculated from this date.
B) When the agency signature and the contractor's signature are dated, the 15 day time period will be calculated from the latest dated signature.
C) When the contract is signed by more than one person on behalf of the State, the period will be calculated from the latest dated signature.
3) Where a contract, purchase order or lease required to be filed by Section 15 of the State Comptroller Act has not been filed within 30 days of execution, the Comptroller will not honor vouchers for payment thereunder until the agency files with the Comptroller:
A) The contract, purchase order or lease; and
B) An original affidavit and one copy, signed by the chief executive officer of the agency, or his or her designee, setting forth an explanation of why such contract liability was not filed within 30 days of execution. The Comptroller will file the copy of the affidavit with the Auditor General.
C) A sample of the affidavit referenced in this Section is provided as Appendix C to this Part. Any affidavit substantially similar to that provided in Appendix C will be accepted by the Comptroller.

g) Maximum or Estimated Amount:
1) Except as is discussed below, all contracts should set forth either an estimated or maximum amount.
2) A maximum amount must be used where the amount of payment can be ascertained with reasonable certainty. The contract must be amended before more than the maximum amount may be paid pursuant to the agreement. Where it is not possible to ascertain the amount to be paid under the contract, an estimated amount should be used. In certain cases contracts are executed in order to provide for payment on an as needed basis, (for example, certain contracts for legal services). In these instances the contract need not contain a maximum or estimated amount.

h) Agencies ~~must~~should obtain the Federal TaxpayerEmployees Identification Number and legal status disclosure certification~~or Social Security Number~~ of the contractor for all contracts, leases and purchase orders required to be filed by this Part~~; as these are necessary for processing vouchers~~.
i) References in this Part to information deemed necessary by the Attorney General do not apply to universities.
j) Advance Payment:
Where a State agency wishes to make advance payment for goods or services, the contract must include a provision for such advance payment. If the State agency determines it is not possible to execute a written contract, any payment voucher must so state. (Ill. Rev. Stat. 1987, ch. 127, par. 145(f)).
k) Bid-Rigging/Bid Rotating Certification: Each bid and any contract resulting from that bid for goods, services or construction between the State and a vendor other than a unit of State or local government shall contain a certification by the contractor that the contractor is not barred from contracting with any unit of State or local government as a result of a violation of either Section 33E-3 or 33E-4 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38). Suggested language for the certification is set forth below:
The contractor certifies that it has not been barred from contracting with a unit of State or local government as a result of a violation of Section 33E-3 or 33E-4 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38).
l) Educational Loan Certification: All contracts, leases and purchase orders required to be filed by this Part shall include a statement certifying that the contractor is not in default on an educational loan as provided in Public Act 85-827 (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.12). Suggested language for the certification is set forth below:
The contractor certifies that it is not in default on an educational loan as provided in Public Act 85-827 (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.12).

(Source: Amended at ____Ill. Reg._____, effective_____)

Section 290.1204 Contracts for Professional or Artistic Services

a) Definition
1) Professional or artistic services may be defined as services rendered by an individual or firm contractually hired by an agency because of their expertise in a given field. An essential element is trust in the ability and talent of the person performing the services. Contracts for manual skills are not included.

2) Examples of professional or artistic services are set forth in CUSAS (Comptroller's Uniform Statewide Accounting System) Procedure 15.20.70 type code 21.

b) Required Contents

In addition to complying with the requirements of Section 290.1203, contracts for professional or artistic services must contain:

1) Contractor's full name and address.
2) Agency name.
3) Reasonably detailed description of services to be rendered.
4) The contract term, where applicable.
5) The maximum or estimated amount to be paid, if applicable.
6) Payment rates, where applicable.
7) Signature of contractor and authorized agency representative.
8) Execution date. (See Section 290.1203(c)).
9) Bribery clause certification. (See Section 290.1203(b)).
10) Where the contract is for consultant services, as that term is defined in Section 9.04 of the Illinois Purchasing Act (Ill. Rev. Stat. 1987, ch. 127, par. 132.9d), the contract must state whether or not the services of a subcontractor will be utilized. If a subcontractor will be used, the contract must list the names and addresses of all subcontractors and the anticipated amount they will receive pursuant to the contract.
11) Federal Taxpayer Identification Number and legal status disclosure certification (See Section 290 Appendix B (16)).
12) Educational loan certification (See Section 290.1203(1)).
13) Where a contract involving professional or artistic services has been bid, the bid-rigging/bid rotating certification (See Section 290.1203 (k)).
14) ~~11)~~ Such other provisions as may be specifically required by law.
15) ~~12)~~ Any other information deemed necessary or advisable by the agency or the Attorney General.

c) Requirement that contract be reduced to writing:

1) Section 11 of the State Comptroller Act requires the Comptroller to reject vouchers for payment of professional or artistic skills if the contract for such services involves expenditures of more than $5,000 for a fiscal year, unless;
   A) the contract has been reduced to writing before the services are performed, or
   B) an affidavit described in this subsection is filed.
2) "Reduced to writing" is defined as signed by the contractor and an authorized representative of the State.
3) The time at which a contract is reduced to writing is delineated below:

   A) When the contract contains an execution date only, the contract will be regarded as being reduced to writing at that date.
   B) i) For contracts with dated signatures, when the contract is signed by the vendor and then by more than one authorized agency representative, it is reduced to writing at the earliest dated signature of an authorized representative of the agency.
      ii) An "authorized agency representative" means a person who has the authority to execute contracts on behalf of the agency.
   C) An agreement for professional or artistic services let for competitive bids will be considered reduced to writing upon the date of the notice of award. The agreed terms may be placed in a different format and later signed without violating Section 11 of the State Comptroller Act. A copy of the proposal and the notice of award shall be filed with the Comptroller.
4) In order to implement this requirement, all professional or artistic services contracts may contain a provision indicating that no payments will be made for services which are performed before the contract is signed by the contractor and an authorized representative of the State.
5) Suggested language is set forth below:
   This contract takes effect on (date) or when executed by the contractor and an authorized representative of the State, whichever is later. No services will be paid which are performed prior to execution.
6) This provision may be modified at the discretion of the agency.
7) Where a contract for professional or artistic skills in excess of $5,000 was not reduced to writing before the services were performed, the Comptroller will not honor vouchers for payment for such services until the agency files with the Comptroller:
   A) a written contract covering the services; and
   B) An original affidavit and one copy, signed by the chief executive officer of the agency or his or her designee stating that the services for which payment is being made were agreed to prior to commencement of the services and setting forth an explanation of why the contract was not reduced to writing before the services commenced. The Comptroller will file the copy of the affidavit with the Auditor General.
8) A sample of the affidavit referenced in this subsection is provided as Appendix D to this Part. Any affidavit substantially similar to that provided in Appendix D will be accepted by the Comptroller.

d) Contracts subject to "An Act to provide for representation and indemnification in certain civil lawsuits, and in connection therewith to amend the Illinois Pension Code by adding a new Section 1-108" (Ill. Rev. Stat. 1987, ch. 127, par. 1301, et seq.) must be approved by the Attorney General before being filed with the Comptroller. This requirement does not apply to universities. The 15 day filing requirement established by Section 15 of the State Comptroller Act shall run from the date of approval.

(Source: Amended at ____Ill. Reg._____, effective_____)

Section 290.1205 Leases for Real Property

a) Definition. This category includes all agreements for the rental of real property.

b) In addition to complying with Section 290.1203, leases for real property must contain:
1) Lessor's name and address.
2) Leasing agency's name.
3) Description and location of property (address).
4) Beginning and ending dates of lease.
5) Monthly and annual rental amount, where applicable.
6) Disclosure of identity of owners, trust beneficiaries, **and shareholders entitled to receive more than 7 1/2% of total distributable income of any corporation having an interest in such property**, where required by Section 3.1 of "AN ACT to prevent fraudulent and corrupt practices in the making or accepting of official appointments and contracts by public officers" (Ill. Rev. Stat. 1983, ch. 102, par. 3.1). Suggested language is set forth below:

AFFIDAVIT

The undersigned, being first duly sworn on oath states that he is (State Title) and that the names of all the beneficiaries of a certain title holding trust, established by a Trust Agreement dated , identified as Trust No. , known as are:
(List shareholders)
(Notarization) (Signature of Trustee)

However, if stock in a corporation is publicly traded and there is no individual having greater than a 7 1/2% interest, then a statement to that effect, subscribed to under oath by an officer of the corporation or its managing agent, will satisfy the disclosure statement requirement.

7) Subject to appropriation clause when the lease is for more than one fiscal year. Suggested language is set forth below:
Obligations of the State shall cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or federal funding source fails to appropriate or otherwise make available funds for this lease.
8) The county in which the property is located.
9) Bribery clause certification. (See Section 290.1203(b)).
10) Execution date. (See Section 290.1203(c)).
11) The maximum or estimated amount to be paid, where applicable. (See Section 290.1203(e)).
12) Signature of lessor and authorized agency representative.
13) Federal Taxpayer Identification Number and legal status disclosure certification (See Section 290 Appendix B (16)).
14) Educational loan certification (See Section 290.1203 (1)).
15 ~~13)~~ Such other provisions as may be specifically required by law.
16) ~~14)~~ Any other provisions deemed necessary or advisable by the agency, the Attorney General or, where applicable, the Department of Central Management Services.

(Source: Amended at____Ill. Reg._____,effective_____)

Section 290.1206 Leases for Personal Property (See Note at end of this Section)

a) Definition. Included are agreements for the rental of personal property.

b) In addition to complying with the requirements of Section 290.1203, leases for personal property must contain:
1) Lessor's name and address.
2) Leasing Agency's name.
3) Beginning and ending dates of agreement.
4) Description of personal property (where applicable, serial numbers should be included).
5) Monthly and annual payment amounts, where applicable.
6) Where the agreement is for more than one fiscal year , a subject to appropriation clause.
7) Signature of lessor and authorized agency representative.
8) Maximum or estimated amount to be paid, where applicable. (See Section 290.1203(e)).
9) Execution date. (See Section 290.1203(c)).
10) Bribery clause certification. (See Section 290.1203(b)).
11) For multi-year agreements, the Governor's approval, where required by Section 35.7b, of the Civil Administrative Code of Illinois (Ill. Rev. Stat., 1987~~1979~~, ch. 127, par. 35.7 b).

12) The maximum or estimated annual amount, where subject to calculation.
13) Federal Taxpayer Identification Number and legal status disclosure certification (See Section 290 Appendix B (16)).
14) Bid-rigging/bid rotating certification, where applicable (See Section 290.1203 (k)).
15) Educational loan certification (See Section 290.1203 (1)).
16) ~~13)~~ Such other provisions as may be specifically required by law.
17) ~~14)~~ Any other information deemed necessary or advisable by the agency or the Attorney General.

NOTE: These requirements also apply to multi-year lease, lease-purchase and installment purchase agreements for electronic data processing, telecommunications and duplicating equipment which are authorized by Section 5.1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1987~~1979~~, ch. 127, par. 132.5-1)).

(Source: Amended at _____Ill. Reg._____, effective_____)

Section 290.1207 Construction Contracts

a) This category includes contracts for permanent improvements, highway and waterway construction, and similar construction.
b) In addition to complying with Section 290.1203, construction contracts must contain:
1) Vendor name and address.
2) Agency name.
3) Description of services.
4) Location(s) where services are to be performed, where applicable.
5) Contract time.
6) Contract sum.
7) Payment schedule.
8) Bribery clause certification. (See Section 290.1203(b)).
9) Execution date. (See Section 290.1203(c)).
10) Signatures of contractors and authorized agency representative.
11) Federal Taxpayer Identification Number and legal status disclosure certification (See Section 290 Appendix B (16)).
12) Bid-rigging/bid rotating certification, where applicable (See Section 290.1203 (k))
13) Educational loan certification (See Section 290.1203 (1)).
14) ~~11)~~ Such other provisions as may be specifically required by law.
15) ~~12)~~ Any other information deemed necessary or advisable by the agency or the Attorney General.

(Source: Amended at_____Ill. Reg._____,effective_____)

Section 290.1209 Purchase Orders and Similar Documents

a) Definition
1) This category is limited to documents involving the purchase of tangible personal property. Purchase orders as that term is here defined may be only used for payments from the electronic data processing, commodities, telecommunications, printing, equipment, operation of automotive equipment, or lump sum line items.
2) The fact that an agency labels a document a purchase order does not exempt it from meeting the criteria set forth in the applicable Sections 290.1204 through 290.1208, if the document pertains to a transaction that is generally evidenced by a contract or lease.
b) Purchase orders must contain:
1) Vendor's name and address.
2) Description of property (where applicable serial numbers should be included).
3) Amount to be paid (in some cases a specification of unit prices is acceptable).
4) Agency name.
5) Execution date.
6) Signatures of authorized agency representatives, where applicable.
7) Bribery clause certification.
8) Federal Taxpayer~~Employer's~~ Identification Number and legal status disclosure certification (See Section 290 Appendix B (16))~~or Social Security Number~~.
9) Bid-rigging/bid rotating certification where, applicable (See Section 290.1203 (k)).
10) Educational loan certification (See Section 290.1203 (1)).
11) ~~9)~~ Such other provisions as may be specifically required by law.
12) ~~10)~~ Any other information deemed necessary or advisable by the agency or the Attorney General.
c) Comptroller Approval. The format of purchase orders must be approved by the Comptroller.

(Source: Amended at_____Ill. Reg._____,effective_____)

Section 290.1210 Renewals, Amendments or Cancellations

a) Renewals, amendments or cancellations must be signed two-party agreements, unless otherwise provided in the original contract. For example, if an existing contract is to be renewed for the next fiscal year, the renewal must be in writing and signed by both parties,

unless the contract gives the State the right to renew unilaterally. All renewals, amendments or cancellations must be filed with the Comptroller.

b) All individuals employed by the State who are authorized by the State to approve changes to public contracts must, before granting such approval, obtain a determination in writing by the chief executive officer or his designee, of the State agency on whose behalf the contract was signed, that the circumstances said to necessitate the change in performance were not reasonably foreseeable at the time the contract was signed, were not within the contemplation of the contract as signed or are in the best interests of the unit of State or local government and authorized by law. Such written determination shall be preserved in such contract's permanent file maintained by the State agency which shall be open to the public for inspection. This provision shall only apply to change orders which authorize or necessitate an increase or decrease in either the cost of a public contract by $10,000 or more or the time of completion by 30 days or more. For the purposes of this Section "public contract" means a contract for goods, services or construction with a vendor other than a unit of State or local government.

(Source: Amended at____Ill. Reg._____, effective_____)

Section 290.1211 Other Contracts

a) Definition. This category includes contracts not listed above.

b) In addition to complying with Section 290.1203, contracts must contain:

1) Vendor name and address.
2) Agency name.
3) Description of services.
4) The contract term, where applicable.
5) Location at which services are to be performed, where applicable.
6) Maximum or estimated amount to be paid, where applicable. (See Section 290.1203(e)).
7) Payment rates, where applicable (if terms are "current rates" then the rate schedule must be attached where feasible.)
8) Signature of vendor and authorized agency representative.
9) Execution date. (See section 290.1203(c)).
10) Bribery clause certification (See Section 290.1203(b)).
11) Federal Taxpayer Identification Number and legal status disclosure certification (See Section 290 Appendix B (16)).
12) Bid-rigging/bid rotating certification, where applicable (See Section 290.1203 (k)).
13) Educational loan certification (See Section 290.1203(l)).

14) ~~11)~~ Such other provisions as may be specifically required by law.
15) ~~12)~~ Any other information deemed necessary or advisable by the agency or the Attorney General.

(Source: Amended at____Ill. Reg._____, effective_____)

Section 290 Appendix A Suggested Provisions

The provisions set forth below are suggested only. It is recommended that agencies review their contractual agreements to ascertain whether inclusion of any of the below listed provisions would be beneficial.

a) ~~1.~~ Termination

1) ~~A.~~ In many cases it is advisable to provide for termination after written notice. Suggested language is set forth below:

This contract may be terminated by either party upon___days written notice. Upon termination the Vendor shall be paid for work satisfactorily completed prior to the date of termination.

2) ~~B.~~ The following alternative termination provision should be used where the final product to be produced is the principal object of the contract and the preliminary drafts or reports would be substantially useless:

This contract may be terminated by either party upon_____ days written notice. Upon termination the Vendor shall be paid for useable work completed to the satisfaction of the State prior to the date of termination.

b) ~~2.~~ Work Product: In cases where the contractor will produce a written document it is advisable to specify that the work product is the property of the State. Suggested language is set forth below:

All documents including reports and all other work products produced by the Vendor under this contract shall become and remain the property of the State.

c) ~~3.~~ Travel Expenses: Where applicable the following provision may be used for travel expenses:

The vendor shall be reimbursed for necessary travel expenses incurred in fulfilling his obligations under this contract. Such expenses shall be reimbursed at the rates and for the purposes applicable to employees of the Department.

d) ~~4.~~ Unlawful Discrimination

1) Suggested language for unlawful discrimination provisions is set forth below:

A) Vendor agrees not to commit unlawful discrimination in employment in Illinois as that term is used in Article 2 of

the Illinois Human Rights Act (Ill. Rev. Stat. 1987, ~~1980 Supp.~~, ch. 68, par. 1-101 et seq.) and further agrees to take affirmative action to ensure that no unlawful discrimination is committed.

B) Vendor agrees to comply with "AN ACT to prohibit discrimination and intimidation on account of race, creed, color, sex, religion, physical or mental handicap unrelated to ability, or national origin in employment under contracts for public buildings or public works", (Ill. Rev. Stat. 1987~~approved July 8, 1933, as amended~~ ~~(Ill. Rev. Stat. 1979~~, ch. 29, par. 17 et seq.). The provisions of this Act are made a part of this contract by reference as though set forth in full herein.

2) Where the contract is wholly or partially funded with federal financial assistance, the following provision may also be included:

e Vendor agrees that if it receives funds which are wholly or partially allotted to the State of Illinois, Department (or division, office, bureau, district) of _____, from Federal financial assistance, it shall comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). The provisions of that Section are made a part of this contract by reference as though set forth in full herein.

e) Federal Taxpayer Identification Number (TIN): Agencies are required by the Internal Revenue Service to provide the following instructions to vendors for use in completing the certification provided in Section 290 Appendix B (16):

Enter your taxpayer identification number in the appropriate space. For individuals and sole proprietors, this is your social security number. For other entities, it is your employer identification number. Federal Employer Identification Numbers (FEINs) must not be used for sole proprietorships.

If you do not have a TIN, apply for one immediately. To apply, get Form SS-5, Application for a Social Security Number Card (for individuals) from your local office of the Social Security Administration, or Form SS-4, Application for Employer Identification Number (for businesses and all other entities), from your local Internal Revenue Service office.

To complete the certification if you do not have a TIN, fill out the certification indicating that a TIN has been applied for, sign and date the form, and return it to this agency. As soon as you receive your TIN, fill out another such form including your TIN, sign and date the form, and give it to this agency.

If you fail to furnish your correct TIN to this agency, you are subject to an IRS penalty of $50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

WILLFULLY FALSIFYING CERTIFICATIONS OR AFFIRMATIONS MAY SUBJECT YOU TO CRIMINAL PENALTIES INCLUDING FINES AND/OR IMPRISONMENT.

(Source: Amended at ___Ill. Reg._____,effective_____)

Section 290. Appendix B Contract Format

A sample contract format is set forth below. This is for purposes of illustration only.

STATE OF ILLINOIS
DEPARTMENT OF _____
CONTRACT

This contract, made and entered by and between the State of Illinois, Department of _____, (Division, Office, Bureau, District) and (Vendor) of (Address) hereinafter called "Vendor".

(1) Services: The Vendor agrees to provide: (Here describe goods or services and location at which to be be provided).

(2) Compensation: The State will pay the Vendor as follows:

A. For lump sum payment: $_____will be paid to the Vendor upon final acceptance of the above stated goods or services by the State.

B. At the rate of $_____per (hour, day, month or other unit).

(3) Expenses: (Where applicable)

The Vendor shall be reimbursed for necessary travel expenses incurred in fulfilling obligations under this contract. Such expenses shall be reimbursed at the rates and for the purposes applicable to employees of the Department. Total travel expenses shall not exceed $_____.

(4) Contract Amount: (Where applicable)

The maximum amount payable under this contract is $_____.

or

The estimated amount payable under this contract is $_____.

(5) Billing: The Vendor shall (monthly, after completion of services) submit a bill for services rendered. Bills shall include detailed information as to the services performed and any expenses billed shall be itemized in accordance with applicable State Regulations.

(6) Term: The term of this contract shall be for the period commencing_____, 19__, and shall terminate on_____, 19__.

(General Provisions)

(7) Appropriation: Obligations of the State will cease immediately without penalty of further payment being required if in any fiscal year the Illinois General Assembly or Federal funding source fails to appropriate or otherwise make available sufficient funds for this agreement.

(8) Certification: The Vendor certifies that it is not barred from being awarded a contract or subcontract under Section 10.1 of "The Illinois Purchasing Act" (Ill. Rev. Stat. 1987, ch. 127, par. 132.10-1). ~~The Vendor certifies that it has not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has the Vendor made an admission of guilt of such conduct which is a matter of record, nor has an official, agent, or employee of the Vendor been so convicted nor made such admission of bribery on behalf of the firm and pursuant to the direction or authorization of a responsible official of the firm.~~

(9) Termination: This contract may be terminated by either party upon____days written notice. Upon termination the Vendor shall be paid for work satisfactorily completed prior to the date of termination.

(10) Work Product: All documents, including reports and all other work products produced by the Vendor under this contract, shall become and remain the property of the State.

(11) Laws of Illinois: This contract shall be governed in all respects by the laws of the State of Illinois.

(12) Unlawful Discrimination:

A. Vendor agrees not to commit unlawful discrimination in employment in Illinois as that term is used in Article 2 of the Illinois Human Rights Act (Ill. Rev. Stat. 1987~~1980 Cum. Supp.~~, ch. 68, par. 1-101 et seq.) and further agrees to take affirmative action to ensure that no unlawful discrimination is committed.

B. Vendor agrees to comply with "AN ACT to prohibit discrimination and intimidation on account of race, creed, color, sex, religion, physical or mental handicap unrelated to ability, or national origin in employment under contracts for public buildings or public works",

(Ill. Rev. Stat. 1987~~approved July 8, 1933, as amended (Ill. Rev. Stat. 1979~~, ch. 29, par. 17 et seq.). The provisions of this Act are made a part of this contract by reference as though set forth in full herein.

(13) Subcontractor Disclosure: (Consultant Services Only) Vendors will not utilize the services of a subcontractor to fulfill obligations under this contract, (or list of subcontractors and amount of payment to each subcontractor).

(14) Conflict of Interest: Vendor agrees to comply with the provisions of the Illinois Purchasing Act prohibiting conflict of interest (Ill. Rev. Stat. 1987~~1979~~, ch. 127, pars. 132.11-1 through 132.11-5) and all the terms, conditions and provisions of those Sections apply to this contract and are made a part of this contract the same as though they were incorporated and included herein.

(15) Bid-rigging/bid rotating certification: The contractor certifies that it has not been barred from contracting with a unit of State or local government as a result of a violation of Section 33E-3 or 33E-4 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38).

(16) Federal Taxpayer Identification Number and legal status disclosure certification:

Under penalties of perjury, I certify that _____ is my correct Federal Taxpayer Identification Number. I am doing business as a (please check one):

Individual	Real Estate Agent
Sole Proprietorship	Governmental Entity
Partnership	Tax Exempt Organization
Corporation	(IRC 501(a) only)
Not-for-profit Corporation	Trust or Estate
Medical and Health Care	
Services Provider Corporation	

_____
Signed Date

(17) Educational Loan Certification: The contractor certifies that it is not in default on an educational loan as provided in Public Act 85-827 (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.12).

COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed by their duly authorized representatives.

VENDOR_____ State of Illinois

By:_____ Department of_____

Address_____ By:_____

City_____ Date:_____

~~FEIN No.~~_____

Date:_____

(An alternative to dating signatures is to use the clause set forth below)

IN WITNESS WHEREOF, the parties have caused this contract to be executed by their duly authorized representatives this_____day of_____,19___.

(Source: Amended at_____Ill. Reg._____,effective_____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Finished Water and Raw Water Quality and Quantity

2) Code Citation: 35 Ill. Adm. Code 604

3)

Section Numbers:	Proposed Action:
604.101, 604.102, 604.103, 604.104	Repealer
604.105, 604.201, 604.202, 604.203	Repealer
604.204, 604.301, 604.302, 604.303	Repealer
604.401, 604.402, 604.403, 604.404	Repealer
604.405, 604.501, 604.502, Appendix	Repealer

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1017, 1017.5 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of October 5, 1989, in R88-26, which Opinion is available from the address below. Section 17.5 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1017.5) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

In R88-26, the Board is proposing to replace its existing public water supply regulations in 35 Ill. Adm. Code 604 through 607 with a new Part 611, which will be "identical in substance" with USEPA rules at 40 CFR 141, as amended through June 30, 1989. The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date?: No.

8) Does this proposed repealer contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? Yes, in R84-12:

Section Numbers	Proposed Action	Illinois Register Citation

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

604.203	Amendment	January 13, 1989; 13 Ill. Reg. 255

10) Statement of Statewide Policy Objectives:

This repealer imposes no mandates on units of local government

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R88-26 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: October 26, 1989.

B) Types of small businesses affected:

The existing and proposed rules affect small businesses which own or operate a public water supply.

C) Reporting, bookkeeping or other procedures required for compliance:

The repealer requires no procedures.

D) Types of professional skills necessary for compliance:

None.

The full text of the Proposed Repealer begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 604
FINISHED WATER AND RAW WATER QUALITY AND QUANTITY

SUBPART A: BACTERIOLOGICAL QUALITY

Section
604.101 Standard Sample
604.102 Total Coliform Limits
604.103 Total Coliform Check-Samples
604.104 Bacterial Plate Count Sample
604.105 Bacterial Plate Count Limits

SUBPART B: CHEMICAL AND PHYSICAL QUALITY

Section
604.201 Finished Water Quality
604.202 Contaminants and Maximum Allowable Concentrations
604.203 Exceptions to Maximum Allowable Concentrations
604.204 Action Pursuant to Exceedance of Maximum Allowable Concentration

SUBPART C: RADIOLOGICAL QUALITY

Section
604.301 Radium-226, -228, and Gross Alpha Particle Activity
604.302 Man-Made Radioactivity
604.303 Determining Maximum Allowable Concentrations

SUBPART D: CHLORINATION AND FLUORIDATION

Section
604.401 Chlorination Requirement
604.402 Chlorination Exemption Requirements
604.403 Conditions for Obtaining a Written Chlorination Exemption
604.404 Loss of Chlorination Exemption
604.405 Fluoridation Requirement

SUBPART E: RAW WATER

Section
604.501 Raw Water Quality
604.502 Raw Water Quantity

Appendix: References to Former Rules

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat., 1981, ch. 111½ pars. 1017 and 1027).

SOURCE: Filed with Secretary of State January 1, 1978; amended at 2 Ill. Reg. 36, p. 72, effective August 29, 1978; amended at 3 Ill. Reg. 13, p.236, effective March 30, 1979; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at 6 Ill. Reg. 14344, effective November 3, 1982. Repealed at ____ Ill. Reg.____, effective_____.

SUBPART A: BACTERIOLOGICAL QUALITY

Section 604.101 Standard Sample

a) For the membrane filter technique, not less than 100 milliliters.

b) For the fermentation tube method, five standard portions of either ten milliliters or 100 milliliters.

Section 604.102 Total Coliform Limits

The number of organisms of the coliform group present in potable water, as indicated by representative samples examined, shall not exceed the following limits:

a) When the membrane filter technique is used, arithmetic mean coliform density of all standard samples examined per month shall not exceed one per 100 milliliters. Coliform colonies per standard sample shall not exceed four per 100 milliliters in:

1) more than one standard sample when less than twenty are examined per month; or

2) more than five percent of the standard samples when twenty or more are examined per month.

b) When ten-milliliter standard portions are examined by the fermentation tube method, not more than ten percent in any month shall show the presence of the coliform group. The presence of the coliform group in three or more ten-milliliter portions of a standard sample shall not be allowable if this occurs in:

1) more than one sample per month when less than twenty are examined per month; or

2) more than five percent of the samples when twenty or more are examined per month.

c) When 100-milliliter standard portions are examined by the fermentation tube method, not more than sixty percent in any month shall show the presence of the coliform group. The presence of the coliform group in five of the 100-milliliter portions of a standard sample shall not be allowable if this occurs in:

1) more than one sample per month when less than five are examined per month; or

2) more than twenty percent of the samples when five or more are examined per month.

Section 604.103 Total Coliform Check-Samples

a) When coliform densities exceed the limit established in Section 604.102, they may indicate a breakdown in the protective barriers and shall be cause for special follow-up action to locate and eliminate the cause of contamination.

b) Check-samples may be taken at the discretion of the the Environmental Protection Agency (Agency) under the following conditions:

1) When coliform colonies in a single standard sample exceed four per 100 milliliters, as measured by the membrane filter technique, daily samples shall be promptly collected and examined from the same sampling point until the results obtained from at least two consecutive samples show less than one coliform per 100 milliliters.

2) When organisms of the coliform group occur in three or more of the ten-milliliter portions of a single standard sample (fermentation tube method), daily samples shall be promptly collected and examined from the same sampling point until the results obtained from at least two consecutive samples show no positive results.

3) When organisms of the coliform group occur in all five of the 100-milliliter portions of a single standard sample (fermentation tube method), daily samples shall be promptly collected and examined from the same sampling point until the results obtained from at least two consecutive samples show no positive tubes.

c) The sampling point required to be check-sampled may not be eliminated from future collections based on a history of questionable water quality. These check samples shall not be included in the total number of samples examined per month, nor shall the check samples be used as a basis for determining compliance with Section 604.103(b).

Section 604.104 Bacterial Plate Count Sample

When bacterial plate counts are considered by the Agency to be necessary, the sample for the bacterial plate count using Standard Plate-Count Agar (35°C, 48 hours) shall consist of two portions of one milliliter and two portions of one-tenth milliliter.

Section 604.105 Bacterial Plate Count Limits

a) The maximum number for the bacterial plate count in the water distributed to the consumer is 500 organisms per one milliliter, based on arithmetic average of all samples examined in a calendar month. In determining compliance, these data shall be reported to two significant figures.

b) When the average bacterial plate count is found to exceed 500 organisms per one milliliter, either in portions of the distribution network or in finished water reservoir storage, the Agency shall determine if these bacterial counts require further action to be taken to protect the water consumers. Upon such findings, prompt attention shall be directed by the owner toward finding the cause and taking appropriate action for correction.

SUBPART B: CHEMICAL AND PHYSICAL QUALITY

Section 604.201 Finished Water Quality

a) The finished water shall contain no impurity in concentrations that may be hazardous to the health of the consumer or excessively corrosive or otherwise deleterious to the water supply. Drinking water shall contain no impurity which could reasonably be expected to cause offense to the sense of sight, taste, or smell.

b) Substances used in treatment should not remain in the

water in concentrations greater than required by good practice. Substances which may have a deleterious physiological effect, or for which physiological effects are not known, shall not be used in a manner that would permit them to reach the consumer.

Section 604.202 Contaminants and Maximum Allowable Concentrations

The concentration of substances in the finished water shall not exceed the limits listed, except as provided in Section 604.203.

Substance	Reported As	Maximum Concentration mg/l
Arsenic	As	0.05
Barium	Ba	1
Cadmium	Cd	0.010
Chromium	Cr	0.05
Copper	Cu	5
Cyanide	CN	0.2
Fluoride	F	1.8
Iron	Fe	1.0
Lead	Pb	0.05
Manganese	Mn	0.15
Mercury	Hg	0.002
Nitrate-Nitrogen	N	10.
Organics		
Pesticides		
Chlorinated Hydrocarbon Insecticides		
Aldrin		0.001
Chlordane		0.003
DDT		0.05
Dieldrin		0.001
Endrin		0.0002
Heptachlor		0.0001
Heptachlor Epoxide		0.0001
Lindane		0.004
Methoxychlor		0.1
Toxaphene		0.005
Chlorophenoxy Herbicides		
2,4-Dichlorophenoxyacetic acid (2,4-D)		0.01
2,4,5-Trichlorophenoxypropionic acid (2,4,5-TP or Silvex)		0.01
Total Trihalomethanes		0.10

Selenium	Se	0.01
Silver	Ag	0.05
Turbidity	NTU	1.
Zinc	Zn	5.

Section 604.203 Exceptions to Maximum Allowable Concentrations

The following supplementary conditions apply to the concentrations listed in Section 604.202.

a) Fluoride: Those counties of the State north of and including the counties of Henderson, McDonough, Fulton, Tazewell, McLean, Ford and Iroquois shall have a maximum allowable fluoride concentration of 2.0 mg/l.

b) Iron and Manganese:

1) Community water supplies which serve a population of 1000 or less or 300 service connections or less shall be exempt from the standards for iron and manganese.

2) All other water supplies shall comply with these standards by July 1, 1981. Iron in excess of 1.0 mg/l and manganese in excess of 0.15 mg/l may be allowed at the discretion of the Agency if sequestration tried on an experimental basis proves to be effective. If sequestering is not effective, positive iron or manganese reduction treatment as applicable must be provided. No experimental use of a sequestering agent may be tried without previous Agency approval.

c) Nitrate-Nitrogen: The provisions of Section 604.204 notwithstanding, compliance with the maximum allowable concentration for nitrate shall be determined on the basis of the mean of two analyses. When a level exceeding the maximum allowable concentration for nitrate is found, a second analysis shall be initiated within 24 hours, and if the mean of the two analyses exceeds the maximum allowable concentration, the owner or operator of the public water supply shall report his findings to the Agency pursuant to 35 Ill. Adm. Code 606.102 and shall notify the public pursuant to 35 Ill. Adm. Code 606.

d) Total Trihalomethanes:

1) The average of Total Trihalomethanes concentration in the finished water of four samples of any four consecutive quarters per treatment plant or per aquifer shall not exceed the limit listed in Section 604.202.

2) Supplies serving 75,000 or more individuals shall comply with the Total Trihalomethanes standard listed in Section 604.202 by the effective date of these regulations. Supplies serving 10,000 to 74,999 individuals shall comply with this standard by November 5, 1983. This standard does not apply to supplies serving less than 10,000 individuals.

3) If the average of samples covering any twelve-month period exceeds the Maximum Allowable Concentration for Total Trihalomethanes, as listed in Section 604.202, the owner or operator of the supply shall notify the Agency pursuant to Section 606.102 and give notice to the public pursuant to Sections 606.201 - 606.205 of these Rules. Monitoring after public notification shall be at the frequency required by Section 605.104.

e) Turbidity:

1) Turbidity in drinking water shall not exceed one turbidity unit at the point where water enters the distribution system unless it can be demonstrated that a higher turbidity not exceeding 5 Nephelonetric Turbidity Units (NTU) does not:

A) interfere with disinfection, or

B) cause tastes and odors upon disinfection, or

C) prevent the maintenance of an effective disinfection agent throughout the distributionsystem, or

D) result in deposits in the distribution system, or

E) cause customers to question the safety of their drinking water.

2) The provisions of Section 604.204 notwithstanding, if a turbidity measurement exceeds the maximum

allowable concentration, a resample must be taken as soon as practicable, and preferably within one hour. If the check-sample confirms that the standard has been exceeded, the Agency must be notified within 48 hours. The value of the check-sample shall be the value used in calculating the monthly average. If the monthly average of the daily samples taken in accordance with 35 Ill. Adm. Code 605.109 exceeds the maximum allowable concentration, or if the average of two samples taken on consecutive days exceeds 5 NTU, the owner or operator of the public water supply shall report to the Agency and notify the public as directed in 35 Ill. Adm. Code 606.

Section 604.204 Action Pursuant to Exceedance of Maximum Allowable Concentration

If the result of an analysis made pursuant to these Rules indicates that the level of any contaminant listed in Section 604.202 exceeds the maximum allowable concentration allowed by this subpart, the owner or operator of the supply shall:

a) report to the Agency within seven days and initiate three additional analyses at the same sampling point within one month;

b) notify the Agency and give notice to the public pursuant to 35 Ill. Adm. Code 606 when the average of four analyses rounded to the same number of significant figures as the maximum allowable concentration for the substance in question, exceeds the maximum allowable concentrations; and

c) monitor, after public notification, at a frequency designated by the Agency and continue monitoring until the maximum allowable concentration has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance or enforcement action becomes effective.

SUBPART C: RADIOLOGICAL QUALITY

Section 604.301 Radium - 226, -228, and Gross Alpha Particle Activity

The following are the maximum allowable concentrations for radium-226, radium-288, and gross alpha particle radioactivity in

community water supplies:

a) Combined radium-226 and radium-228: 5 pCi/l.

b) Gross alpha particle activity (including radium-226, but excluding radon and uranium): 15 pCi/l.

Section 604.302 Man-Made Radioactivity

The following are the maximum allowable concentrations for beta particle and photon radioactivity from man-made radionuclides in community water systems.

a) The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water shall not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year.

b) Except for the radionuclides listed in subsection (c), the concentration of man-made radionuclides causing 4 millirem total body or organ dose equivalents shall be calculated on the basis of a 2 liter per day drinking water intake using the 168 hour data listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure," National Bureau of Standards Handbook 69 as amended August 1963, U.S. Department of Commerce. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 millirem/year.

c) Average Annual Concentrations Assumed to Produce A Total Body or Organ Dose of 4MREM/Yr.

Radionuclide	Critical Organ	pCi per liter
Tritium	Total Body	20,000
Strontium-90	Bone Marrow	8

Section 604.303 Determining Maximum Allowable Concentrations

To judge compliance with the maximum allowable concentrations listed in this subpart, averages of data shall be used and shall be rounded to the same number of significant figures as the maximum allowable concentration for the substance in question.

SUBPART D: CHLORINATION AND FLUORIDATION

Section 604.401 Chlorination Requirement

All supplies, except those community water supplies exempted in this subpart shall chlorinate the water before it enters the distribution system.

a) All supplies which are required to chlorinate shall maintain residuals of free or combined chlorine at levels sufficient to provide adequate protection.

b) The Agency may set levels and promulgate procedures for chlorination.

c) Supplies now in operation must comply with this rule immediately, except that community water supplies which were under the jurisdiction of the Illinois Department of Public Health prior to January 1, 1982, and which were not required to chlorinate under Public Health Rules and Regulations, must comply by January 1, 1983. Any supply which is now in compliance or reaches compliance before that date must continue in compliance thereafter.

d) Those supplies having hand-pumped wells and no distribution system are exempted from the requirements of this subpart.

Section 604.402 Chlorination Exemption Requirements

A community water supply shall be exempt from the chlorination requirement provided:

a) The community water supply obtains all of its water from a supply under the jurisdiction of the Agency which does chlorinate and maintains records which demonstrate that the water in all active parts of its distribution system has an adequate chlorine residual; or

b) the community water supply has a written exemption from the requirement to chlorinate pursuant to Section 604.403.

Section 604.403 Conditions for Obtaining a Written Chlorination Exemption

To obtain that exemption the community water supply must apply to

the Agency in writing and meet all of the following conditions:

a) Pumps not more than 100 gallons of water per capita per day, averaged annually;

b) Has no more than three miles of distribution piping for delivery of water to consumers;

c) Has as its only source of raw water one or more properly constructed wells into confined geological formations not subject to contamination;

d) Has no history of persistent or recurring contamination, as indicated by sampling results which show violations of finished water quality requirements, for the most recent five-year period;

e) Does not provide any raw water treatment other than fluoridation;

f) Has an active program approved by the Agency to continually educate its consumers on preventing the entry of contaminants into the water system;

g) Has a certified operator of the proper class, or if it is a public water supply which is exempt from having a certified operator, has a registered person in responsible charge of the operation of the supply; and

h) Submits samples for bacteriological analysis in accordance with 35 Ill. Adm. Code 605.101(a) and (b).

Section 604.404 Loss of Chlorination Exemption

Any community water supply which fails to continuously meet the exemption conditions applicable to that supply shall lose its exemption, shall immediately start chlorinating and shall continue to do so until the requirements stated in Sections 604.402 or 604.403 are again met, and written Agency approval of the exemption application is again granted.

Section 604.405 Fluoridation Requirement

All supplies which are required to add fluoride to the water shall maintain a fluoride ion concentration reported as F of 0.9 to 1.2 mg/l in its distribution system, as required by Section 7(a) of "An Act to provide for safeguarding the public health by vesting certain measures of control and supervision in the

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Department of Public Health over Public Water Supplies in the State" approved and effective August 6, 1951, as amended (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 121(g)(1)).

SUBPART E: RAW WATER

Section 604.501 Raw Water Quality

a) Each supply must take its raw water from the best available source which is economically reasonable and technically possible.

b) Use of recycled sewage treatment plant effluent on a routine basis shall not be permitted.

c) The twelve-month running geometric means of fecal coliform and total coliform densities in raw water sources shall not exceed 2,000 per 100 ml and 20,000 per 100 ml respectively, without specific approval of the Agency.

d) Each owner or operator of a supply owning and/or controlling a supply's water source shall take all reasonable actions for the protection of that source from contamination.

e) Each community water supply exempted from the chlorination requirement pursuant to Section 604.403 shall obtain water only from wells drilled into confined geologic formations not subject to contamination.

Section 604.502 Raw Water Quantity

a) Surface Supply - The quantity of surface water at the source shall be adequate to supply the total water demand of a community from that source, as well as a reasonable surplus for anticipated growth.

b) Groundwater Supply - The quantity of ground water from the source of supply shall be adequate to supply the total water demand of that public water supply, as well as a reasonable surplus for anticipated growth, without excessive depletion of the aquifer.

c) In determining adequacy of supply for compliance with this Section, each individual source of supply shall be considered in relation to the percentage of the total requirements it is expected to provide.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

APPENDIX References to Former Rules

The following table is provided to aid in referencing former Board rule numbers to section numbers pursuant to codification.

Chapter 6: Public Water Supplies Part III: Operation and Maintenance	35 Ill. Adm. Code Part 604
Rule 304(A)(1)	Section 604.101
Rule 304(A)(2)	Section 604.102
Rule 304(A)(3)	Section 604.103
Rule 304(A)(4)	Section 604.104
Rule 304(A)(5)	Section 604.105
Rule 304(B)	Section 604.201
Rule 304 (Table I)	Section 604.202
Rule 304 (Table I Notes)	Section 604.203
Rule 304(B)(3)	Section 604.204
Rule 304(C)(1)	Section 604.301
Rule 304(C)(2) and Table II	Section 604.302
Rule 304(C)(3)	Section 604.303
Rule 305	Section 604.401
New	Section 604.402
New	Section 604.403
New	Section 604.404
Rule 306	Section 604.405
Rule 307	Section 604.501
Rule 308	Section 604.502

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Operation and Record Keeping

2) Code Citation: 35 Ill. Adm. Code 607

3) Section Numbers: Proposed Action:

607.101, 607.102, 607.103, 607.104	Repealer
607.105, 607.106, 607.Appendix	Repealer

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1017, 1017.5 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of October 5, 1989, in R88-26, which Opinion is available from the address below. Section 17.5 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1017.5) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

In R88-26, the Board is proposing to replace its existing public water supply regulations in 35 Ill. Adm. Code 604 through 607 with a new Part 611, which will be "identical in substance" with USEPA rules at 40 CFR 141, as amended through June 30, 1989. The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date?: No.

8) Does this proposed repealer contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This repealer imposes no mandates on units of local government

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R88-26 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: October 26, 1989.

B) Types of small businesses affected:

The existing and proposed rules affect small businesses which own or operate a public water supply.

C) Reporting, bookkeeping or other procedures required for compliance:

The repealer requires no procedures.

D) Types of professional skills necessary for compliance:

None.

The full text of the Proposed Repealer begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 607
OPERATION AND RECORD KEEPING

Section
607.101 Protection During Repair Work
607.102 Disinfection Following Repair or Reconstruction
607.103 Emergency Operation
607.104 Cross Connections
607.105 Laboratory Testing Equipment
607.106 Record Maintenance
Appendix References to Former Rules

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1017 and 1027).

SOURCE: Filed with Secretary of State January 1, 1978; amended and codified at 6 Ill. Reg.11497 effective September 14, 1982. Repealed at__Ill. Reg.____, effective _____.

Section 607.101 Protection During Repair Work

All supplies repaired, reconstructed or altered shall be adequately protected to prevent contamination of the water at the source or in the system during such work.

Section 607.102 Disinfection Following Repair or Reconstruction

Any part of a supply which has been repaired, reconstructed, or altered shall be satisfactorily disinfected before being put into operation. The disinfection procedure must be specifically approved by the Environmental Protection Agency (Agency). Upon receipt of such approval, the supply may use the accepted disinfection procedure in the future, unless the Agency, for good cause, notifies the owner of a supply that such a procedure is no longer acceptable.

Section 607.103 Emergency Operation

a) Whenever contamination is determined to persist in a public water supply, as demonstrated by bacteriological analysis results, the owners or official custodians of the supply shall notify all consumers to boil all water

POLLUTION CONTROL BOARD

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used for drinking or culinary purposes until bacteriological samples demonstrate that the water is safe for domestic use, or until appropriate corrective action approved by the Agency is taken. If the owner or official custodian of the supply fails to take such action on his own or at the recommendation of the Agency, the Agency may issue a boil order directly to the consumers affected.

b) Any emergency which results in water pressures falling below twenty pounds per square inch on any portion of the distribution system shall be reason for immediate issuance of a boil order by the owner or official custodian of the supply to those consumers affected unless:

1) There is a historical record of adequate chlorine residual and approved turbidity levels in the general area affected covering at least twelve monthly readings.

2) Samples for bacteriological examination are taken in the affected area immediately and approximately twelve hours later.

3) Tests for residual chlorine and turbidity taken at not more than hourly intervals in the affected area for several hours do not vary significantly from the historical record. If significant decrease in chlorine residual or increase in turbidity occurs, a boil order shall be issued.

c) Whenever the safety of a supply is endangered for any reason, including but not limited to spillage of hazardous substances, the Agency shall be notified immediately by the owner, official custodian or his authorized representative, and the supply officials shall take appropriate action to protect the supply. The owner, official custodian or his authorized representative shall notify all consumers of appropriate action to protect themselves against any waterborne hazards. If the owner or official custodian of the supply fails to take such action on his own or at the recommendation of the Agency, the Agency shall notify directly the consumers affected.

Section 607.104 Cross Connections

a) No physical connection shall be permitted between thepotable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency, except as provided for in subsection (d).

b) There shall be no arrangement or connection by which an unsafe substance may enter a supply.

c) Control of all cross-connections to a supply is the responsibility of the owner or official custodian of the supply. If a privately owned water supply source meets the applicable criteria, it may be connected to a water supply upon approval by the owner or official custodian and by the Agency. Where such connections are permitted, it is the responsibility of the public water supply officials to assure submission from such privately owned water supply source or sources samples and operating reports as required by 35 Ill. Adm. Code 605 and 606 as applicable to the cross-connected source.

d) The Agency may adopt specific conditions for control of unsafe cross-connections, which shall be complied with by the supplies of this State, as applicable. These conditions shall be adopted and/or changed by the Agency as prescribed in 35 Ill. Adm. Code 602.115.

e) Each community water supply exempted pursuant to 35 Ill. Adm. Code 603.103 or 604.402 shall provide an active program approved by the Agency to continually educate and inform water supply consumers regarding prevention of the entry of contaminants into the distribution system. Conditions under which the Agency will approve this active program shall be adopted or changed by the Agency as prescribed in 35 Ill. Adm. Code 602.115.

Section 607.105 Laboratory Testing Equipment

a) Each supply must have adequate laboratory equipment and capability to perform the operational tests (except bacteriological) appropriate to the parameters to be tested and to the type of treatment employed. Such equipment must be in good operating condition, and the operator on duty must be familiar with the procedure for performing the tests.

b) If a supply performs laboratory examination of water to comply,with the provisions of 35 Ill. Adm. Code 605, such work shall be done by a certified laboratory.

c) Nothing in this rule shall be construed to prevent a supply from running control laboratory tests in an uncertified laboratory. These results are not to be included in the sample quota for that supply, as required by 35 Ill. Adm. Code 605.

Section 607.106 Record Maintenance

Any owner, operator or registered person in responsible charge of a supply subject to the provisions of this Chapter shall retain on its premises or at a convenient location near its premises the following records:

a) Records of bacteriological analyses made pursuant to these Rules shall be kept for not less than five years. Records of chemical analyses made pursuant to these Rules shall be kept for not less than ten years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

1) The date, place, and time of sampling, and the name of the person who collected the sample;

2) Identification of the sample as to whether it was a routine distribution system sample, check sample, raw or process water sample, or other special purpose sample;

3) Date of analysis;

4) Laboratory and person responsible for performing analysis;

5) The analytical technique/method used; and

6) The results of the analysis.

b) Records of action taken by the supply to correct violations of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1001 et seq.) and this Chapter shall be kept for a period not less than three years after the last action taken with respect to the particular violation involved.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

c) Copies of any written reports, summaries or communications relating to sanitary surveys of the supply conducted by the supply itself, by a private consultant, or by any local, State or Federal agency, shall be kept for a period not less than ten years after completion of the sanitary survey involved.

d) Records concerning a variance granted to the supply shall be kept for a period ending not less than five years following the expiration of such variance.

APPENDIX References to Former Rules

Chapter 6: Public Water Supplies	35 Ill. Adm. Code
Part III: Operation and Maintenance	Part 607
Rule 310(C)	Section 607.106
Rule 311	Section 607.101
Rule 312,	Section 607.102
Rule 313(A)	Section 607.103
Rule 314	Section 607.104
Rule 315	Section 607.105

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NOTICE OF PROPOSED RULES

1) Heading of the Part: Primary Drinking Water Standards

2) Code Citation: 35 Ill. Adm. Code 611

3) Section Numbers: Proposed Action:

611.100, 611.101, 611.102, 611.108, 611.109, 611.110	New Sections
611.111, 611.112, 611.113, 611.114, 611.120, 611.124	New Sections
611.125, 611.126, 611.128, 611.129, 611.130, 611.131	New Sections
611.132, 611.133, 611.140, 611.141, 611.142, 611.150	New Sections
611.161, 611.162, 611.171, 611.172, 611.180, 611.190	New Sections
611.300, 611.310, 611.320, 611.330, 611.331, 611.340	New Sections
611.350, 611.360, 611.380, 611.390, 611.400, 611.480	New Sections
611.490, 611.491, 611.492, 611.493, 611.500, 611.521	New Sections
611.522, 611.523, 611.524, 611.525, 611.526, 611.527	New Sections
611.531, 611.532, 611.533, 611.560, 611.601, 611.606	New Sections
611.607, 611.610, 611.621, 611.623, 611.624, 611.641	New Sections
611.645, 611.648, 611.650, 611.657, 611.680, 611.683	New Sections
611.684, 611.685, 611.686, 611.720, 611.731, 611.732	New Sections
611.830, 611.831, 611.832, 611.833, 611.840, 611.851	New Sections
611.852, 611.853, 611.854, 611.855, 611.856, 611.860	New Sections
611.861, 611.863, 611.864, 611.870	New Sections
Appendix A, Appendix B, Appendix C	New Sections

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1017, 1017.5 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

The Board adopted a Proposed Opinion on October 5, 1989, in R88-26, which Opinion is available from the address below. The proposed Opinion includes a much more complete discussion than is possible in this notice. The Proposed Opinion includes specific requests for public comment on possible issues.

Section 17.5 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1017.5) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

In R88-26, the Board is proposing to replace its existing public water supply regulations in 35 Ill. Adm. Code 604 through 607 with a new Part 611, which will be "identical in substance" with USEPA rules at 40 CFR 141, as amended through June 30, 1989. The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act.

The USEPA rules include large numbers of decisions which must be made by

the State pursuant to an approved program. The Board has proposed to adopt rules which provide that most of these decisions are in the nature of permit modifications which are to be made by the Illinois Environmental Protection Agency. (For example, see Section 611.128) However, the rules specify that a few of these are to be made by the Board pursuant to the variance or adjusted standards procedures. (For example, see Section 611.111)

The existing public water supply regulations include regulations which are consistent with and more stringent than the USEPA regulations. Pursuant to Section 7.2(a)(6) of the Environmental Protection Act, Board has proposed to move these into Part 611 so that they will appear alongside the USEPA-derived provisions. These are marked as "additional State requirements" through the use of "Board Notes".

The USEPA rules include new filtration and disinfection rules which appeared in the June 29, 1989 Federal Register. These are reflected in the proposal in Sections 611.129 et seq. The Board has proposed in Section 611.140 to adopt these rather than to retain the existing chlorination requirement as a "more stringent" requirement. The Board has also proposed to require disinfection, under the USEPA-derived rules, of all water sources, subject to the exemption in Section 17(b) of the Environmental Protection Act.

The Maximum Contaminant Levels (MCL's) are specified in Section 611.300 et seq. The existing Board rules include consistent, more stringent MCL's, which have been moved into these Sections. Such provisions have been marked with asterisks or Board Notes.

The existing Board rules include a more stringent standard for fluoride. However, Section 17.6 of the Environmental Protection Act requires that the Board standard be the same as the USEPA standard.

Each MCL, whether of USEPA or State origin, has associated monitoring, analytical, reporting and public notification requirements. Generally the Board has proposed to determine stringency with respect to the MCL's, and then to retain the requirements associated with the more stringent MCL. For example, it would not make sense to adopt the USEPA presence/absence standard for total coliform, and then retain the analytical and reporting requirements associated with total coliform counts.

In R84-12 the Board has proposed to modify the Trihalomethane (THM) standard so as to make it more stringent than the USEPA rule. (See January 13, 1989; 13 Ill. Reg. 255) The Board anticipates that R84-12 will be adopted before final action on this rulemaking. The Board will either revise this proposal to reflect any more stringent requirements adopted in R84-12, or will open a new Docket to do so pursuant to a separate notice.

The Board's Proposed Opinion includes cross reference tables which correlate to proposal with the USEPA rules and existing Board rules. All potential commenters are urged to obtain a copy of the Proposed Opinion from the address below.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date?: No.

8) Does this proposed rule contain incorporations by reference?

Yes. Section 611.102 contains incorporations by reference. The Board's Proposed Opinion of October 5, 1989, solicits comment on these references. Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1017.5 provides that Section 5 of the APA shall not apply to this rulemaking.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 17.5 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1017.5) and by the Safe Drinking Water Act (42 U.S.C. 300f et seq.). The statewide policy objectives are set forth in Section 14 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government which own or operate public water supplies.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R88-26 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: October 26, 1989.

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses

which own or operate a public water supply.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including permits, monthly operating reports and public notification.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, chemist and registered professional engineer.

The full text of the Proposed Rules begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 611
PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

SUBPART B: FILTRATION AND DISINFECTION

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCL's)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

Appendix B Percent Inactivation of G. Lamblia Cysts
Appendic C Common Names of Inorganic Chemicals

AUTHORITY: Implementing Sections 17 and 17.5 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987 ch. 111 1/2, pars. 1017, 1017.5 and 1027.

SOURCE: Adopted in R88-26 at 14 Ill. Reg. , effective .

SUBPART A: GENERAL

Section 611.100 Purpose, Scope and Applicability

a) This Part satisfies the requirement of Section 17.5 of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1987 ch. 111 1/2. par. 1001 et seq.) that the Board adopt regulations which are identical in substance with federal regulations promulgated by the United States Environmental Protection Agency (USEPA) pursuant to Sections 1412(b), 1414(c), 1417(a) and 1445 of the Safe Drinking Water Act (42 U.S.C. 300f et seq.)

b) This Part establishes primary drinking water regulations (NPDWRs) pursuant to the SDWA, and also includes additional, related State requirements which are consistent with and more stringent than the USEPA regulations (Section 7.2 of the Act)

c) This Part applies to owners and operators of "public water supplies" ("PWSs"), as provided in Section 611.110. PWSs include community water supplies ("CWSs"), "non-community water supplies ("non-CWSs") and "non-transient non-community water systems ("NTNCWSs"), as these terms are defined in Section 611.101.

d) This Part also applies to activities of certain other persons as they affect a PWS. For example, Section 611.126 prohibits the use of lead pipe, solder or flux in the installation or repair of any plumbing providing water for human consumption which is connected to a PWS.

BOARD NOTE: Derived from 40 CFR 141.1 (1987).

Section 611.101 Definitions

As used in this Part, the term:

"Act" means the Environmental Protection Act, Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.

"Agency" means the Illinois Environmental Protection Agency.

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"Best available technology" or "BAT" means the best technology, treatment techniques or other means which USEPA has found are available for the contaminant in question. For the purposes of setting MCLs for synthetic organic chemicals, any BAT must be at least as effective as granular activated carbon.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 52 Fed. Reg. 25712, July 8, 1987.

"Board" means the Illinois Pollution Control Board.

"CAS No" means "Chemical Abstracts Services Number".

"CT" or "CTcalc" is the product of "residual disinfectant concentration" (RDC or C) in mg/L determined before or at the first customer, and the corresponding "disinfectant contact time" (T) in minutes. If a PWS applies disinfectants at more than one point prior to the first customer, it shall determine the CT of each disinfectent sequence before or at the first customer to determine the total percent inactivation or "total inactivation ratio". In determining the total inactivation ratio, the PWS shall determine the RDC of each disinfection sequence and corresponding contact time before any subsequent disinfection application point(s). (See CT99.9)

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"CT99.9" is the CT value required for 99.9 percent (3-log) inactivation of Giardia lamblia cysts. CT99.9 for a variety of disinfectants and conditions appear in Tables 1.1-1.6, 2.1 and 3.1 of Appendix B. (See "Inactivation Ratio".)

BOARD NOTE: Derived from the definition of CT in 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Community Water Supply" ("CWS") is a type of "public water supply", as defined below. A "non-CWS" is a type of public water supply which is not a CWS.

"Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter or a portion thereof, in

which bacterial colonies are not discrete.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27562, June 29, 1989.

"Contaminant" means any physical, chemical, biological or radiological substance or matter in water.

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation and filtration resulting in substantial particulate removal.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Diatomaceous earth filtration " means a process resulting in substantial particulate removal in which:

A precoat cake of diatomaceous earth filter media is deposited on a support membrance (septum); and

While the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Direct filtration" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Disinfectant contact time" ("T" in CT calculations) means the time in minutes that it takes for water to move from the point of

disinfectant application or the previous point of disinfectant residual measurement to a point before or at the point where RDC ("C") is measured. Where only one "C" is measured, "T" is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at where RDC ("C") is measured. Where more than one "C" is measured, "T" is (a) for the first measurement of "C", the time in minutes that it takes for water to move from the first or only point of disinfectant application to a point before or at the point where the first "C" is measured and (b) for subsequent measurements of "C", the time in minutes that it takes for water to move from the previous "C" measurement point to the "C" measurement point for which the particular "T" is being calculated. Disinfectant contact time in pipelines must be calculated based on "plug flow" by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe. Disinfectant contact time within mixing basins and storage reservoirs must be determined by tracer studies or an equivalent demonstration.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Disinfection" means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a PWS with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27562, June 29, 1989.

"Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Filtration" means a process for removing particulate matter from water by passage through porous media.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"GC" means "gas chromatography" or "gas-liquid phase chromatography".

"GC/MS" means GC followed by mass spectrometry.

"Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Gross boat particle activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Groundwater under the direct influence of surface water" is as determined in Section 611.128(a).

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Groundwater Supply Survey" means groundwater supply survey.

"Halogen" means one of the chemical elements chlorine, bromine or iodine.

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"HPC" means "heterotrophic plate count", measured as specified in Section 611.531(c).

"Inactivation Ratio" (Ai) means:

$$Ai = CTcalc/CT99.9$$

The sum of the inactivation ratios, or "total inactivation ratio" (B) is calculated by adding together the inactivation ratio for each disinfection sequence:

$$B = SUM(Ai)$$

A total inactivation ratio equal to or greater than 1.0 is assumed to provide a 3-log inactivation of Giardia lamblia cysts.

BOARD NOTE: Derived from the definition of "CT" in 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Man-made beta particle and photon emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure, NBS Handbook 69, except the daughter products of thorium-232, uranium-235 and uranium-238.

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Maximum contaminant level" ("MCL") means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a PWS, except in the case of turbidity where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition.

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Maximum contaminant level goal" ("MCLG" or "MCL goal") means the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, and which includes an adequate margin of safety. MCL goals are nonenforceable health goals.

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Maximum Total Trihalomethane Potential (MTP)" means the maximum concentration of total THMs produced in a given water containing a disinfectant residual after 7 days at a temperature of 25 deg. C or above.

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Near the first service connection" means at one of the 20 percent of

all service connections in the entire system that are nearest the water supply treatment facility, as measured by water transport time within the distribution system.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27562, June 29, 1989.

"Non-transient non-community water system" ("NTNCWS") means a PWS that is not a CWS and that regularly serves at least 25 of the same persons over 6 months per year.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 52 Fed. Reg. 25712, July 8, 1987.

"NPDWR" means "national primary drinking water regulation".

"NTU" or "TU" means "turbidity units".

"P-A Coliform Test" means "Presence-Absence Coliform Test".

"Performance evaluation sample" means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the Agency. The true value of the concentration of the reference material is unknown to the laboratory at the time of the analysis.

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Person" means an individual, corporation, company, association, partnership, State, municipality or Federal agency.

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Picocurie (pCi)" means the quantity of radioactive material producing 2.22 nuclear transformations per minute.

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Point of disinfectant application" is the point where the disinfectant is applied and water downstream of that point is not subject to recontamination by surface water runoff.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Point-of-entry treatment device" is a treatment device applied to the drinking water entering a house or building for the purpose of

reducing contaminants in the drinking water distributed throughout the house or building.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 52 Fed. Reg. 25712, July 8, 1987.

"Point-of-use treatment device" is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 52 Fed. Reg. 25712, July 8, 1987.

"Public water system" ("PWS") means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least 60 days out of the year. Such term includes:

Any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system, and:

Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

A PWS is either a "CWS" or a "nonCWS."

"CWS" means a PWS which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

"Non-CWS" means a PWS that is not a CWS.

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Residual disinfectant concentration" ("RDC" or "C" in CT calculations) means the concentration of disinfectant measured in mg/L in a representative sample of water.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"SDWA" means the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, 42 U.S.C. 300f et seq.

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Sanitary survey" means an onsite review of the water source, facilities, equipment, operation and maintenance of a PWS for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Sedimentation" means a process for removal of solids before filtration by gravity or separation.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 m/h) resulting in substantial particulate removal by physical and biological mechanisms.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Supplier of water" means any person who owns or operates a PWS.

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Surface water" means all water which is open to the atmosphere and subject to surface runoff.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"System with a single service connection" means a system which supplies drinking water to consumers via a single service line.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27562 June 29, 1989.

"Too numerous to count" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27562, June 29, 1989.

"Total trihalomethanes" (TTHM) means the sum of the concentration in milligrams per liter of trihalomethanes, rounded to two significant figures.

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Trihalomethane" (THM) means one of the family of organic compounds, named as derivatives of methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. The THM are:

Trichloromethane (chloroform),

Dibromochloromethane,

Bromodichloromethane and

Tribromomethane (bromoform)

BOARD NOTE: Derived from 40 CFR 141.2 (1987).

"Virus" means a virus of fecal origin which is infectious to humans by waterborne transmission.

"VOC" means "volatile organic compound".

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Waterborne disease outbreak" means the significant occurance of acute infectious illness, epidemiologically associated with the ingestion of water from a PWS which is deficient in treatment, as determined by the appropriate local or State agency.

BOARD NOTE: Derived from 40 CFR 141.2 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

"Wellhead Protection Program" means a wellhead protection program developed under Section 1428 of the SDWA. See 35 Ill. Adm. Code 615 through 617.

BOARD NOTE: Derived from 40 CFR 141.71(b) (1987), adopted at 54 Fed. Reg. 27526, June 29, 1989.

Section 611.102 Incorporations by Reference

a) Abbreviations. The following abbreviated names are used for materials incorporated by reference:

"ASTM" means American Society for Testing and Materials

"Indigo Method" is as described in "Determination of Ozone in Water by the Indigo Method", available from Ozone Science and Engineering.

"Inductively Coupled Plasma Method" means "Inductively Coupled Plasma-Atomic Emission Spectrometric Method for Trace Element Analysis in Water and Wastes -- Method 200.7", available from USEPA.

"Inorganic Methods" means "Methods for Chemical Analysis of Water and Wastes", available from NTIS

"Microbiological Methods" means "Microbiological Methods for Monitoring the Environment, Water and Wastes", available from NTIS.

"Minimal Medium ONPG-MUG Method" is as set forth in "National Field Evaluation of a Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Escherichia Coli from Drinking Water: Comparison with the Standard Multiple Tube Fermentation Method", available from the American Water Works Association Research Foundation.

"NTIS" means "National Technical Information Service".

"Organic Methods" means "Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water", available from USEPA.

"Pesticide Methods" means "Methods for Organochlorine Pesticides and Chloro-phenoxy Acid Herbicides in Drinking Water and Raw Source Water", available from USEPA.

"Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water", available from USEPA.

"SPE Test Method" means "Solid Phase Extraction Test Method", available from J.T. Baker Chemical Company

"Standard Methods", means "Standard Methods for the Examination of Water and Wastewater", available from the American Public Health Association.

"Technicon Method" means "Fluoride in Water and Wastewater", available from Technicon.

"USGS Method" means "United States Geological Survey Method"

b) The Board incorporates the following publications by reference:

American Public Health Association et al., 1015 Fifteenth Street, N.W., Washington, D.C. 20005

Standard Methods for the Examination of Water and Wastewater, 17th Edition, 1989

ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia, PA 19103

ASTM Method D858-88, "Standard Test Methods for Manganese in Water", approved August 19, 1988.

ASTM Method D1067-88, "Standard Test Methods for Acidity or Alkalinity of Water", approved August 19, 1988.

ASTM Method D1068-88, "Standard Test Methods for Iron in Water", approved August 19, 1988.

ASTM Method D1126-86, "Standard Test Method for Hardness in Water, approved August 29, 1988.

ASTM Method D1179-88, "Standard Test Methods for Fluoride in Water", approved August 19, 1988.

ASTM Method D1293-84, "Standard Test Methods for pH of Water", approved October 26, 1984.

ASTM Method D1428-82, "Standard Test Methods for Sodium and Potassium in Water and Water-Formed Deposits by Flame Photometry", approved October 29, 1982.

ASTM Method D1687-86, "Standard Test Methods for Chromium in Water", approved April 25, 1986

ASTM Method D1688-88, "Standard Test Methods for Copper in

Water", approved August 19, 1988.

ASTM Method D1691-88, "Standard Test Methods for Zinc in Water", approved August 19, 1988.

ASTM Method D2036-87, "Standard Test Method for Cyanides in Water", approved May 29, 1987.

ASTM Method D2459-72, "Standard Test Method for Gamma Spectrometry in Water," 1975, reapproved 1981, discontinued 1988.

ASTM Method D2907-83, "Standard Test Methods for Microquantities of Uranium in Water by Fluorometry", approved May 27, 1983.

ASTM Method D2972-88, "Standard Test Methods for Arsenic in Water", approved June 24, 1988.

ASTM Method D3086-85, "Standard Test Methods for Organochlorine Pesticides In Water", November 29, 1985.

ASTM Method D3223-86, "Standard Test Method for Total Mercury in Water", approved February 28, 1986.

ASTM Method D3478-85, "Standard Test Method for Chlorinated Phenoxy Acid Herbicides in Water", approved November 29, 1985.

ASTM Method D3557-84, "Standard Test Methods for Cadmium in Water", approved January 27, 1984, reapproved 1988.

ASTM Method D3559-85, "Standard Test Methods for Lead in Water", approved September 27, 1985.

ASTM Method D3859-88, "Standard Test Methods for Selenium in Water", approved June 24, 1988.

ASTM Method D3867-85, "Standard Test Methods for Nitrite-Nitrate in Water", approved August 30, 1985.

AWWA. American Water Works Association, 6666 West Quincy Avenue, Denver, CO 80235:

ANSI/AWWA C400-80, "AWWA Standard for Asbestos-Cement Distribution Pipe, 4 in. through 16 in. (100mm through 400mm) NPS, for Water and Other Liquids", approved June 15, 1980; and, Erratum, April, 1981.

American Waterworks Research Foundation, 6666 West Quincy Avenue, Denver, CO 80235

"National Field Evaluation of a Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Escherichia Coli from Drinking Water: Comparison with Presence-Absence Techniques", (Edberg et al.) Applied and Environmental Microbiology, Volume 55, pp. 1003 - 1008, April, 1989.

Minimal Medium ONPG-MUG Method: "National Field Evaluation of a Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Escherichia Coli from Drinking Water: Comparison with the Standard Multiple Tube Fermentation Method", (Edberg et al.) Applied and Environmental Microbiology, Volume 54, pp. 1595 - 1601, June 1988, as amended under Erratum, Applied and Environmental Microbiology, Volume 54, p. 3197, December, 1988.

Amco Standards International, Inc., 230 Polaris Avenue, No. C, Mountain View, CA 94403:

Amco-AEPA-1 polymer

ERDA Health and Safety Laboratory, New York, NY

HASL Procedure Manual, HASL 300, 1973

J. T. Baker Chemical Company, 22 Red School Lane, Phillipsburg, NJ 08865

Solid Phase Extract (SPE) Test Method Number SPE-550

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (703) 487-4600.

"Methods of for Chemical Analysis of Water and Wastes", J. Kopp and D. McGee, Third Edition, March, 1979. EPA-600/4-79-020, Doc. No. PB84-128677

"Microbiological Methods for Monitoring the Environment: Water and Wastes", R. Bodner and J. Winter, 1978. EPA-600/8-78-017

Ozone Science and Engineering, Pergamon Press Ltd., Fairview Park, Elmsford, NY 10523

Indigo Method: "Determination of Ozone in Water by the Indigo Method" (Bader and Hoigne),

United States Department of Commerce

"Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure", NBS Handbook 69, as amended August, 1963

United States Environmental Protection Agency, (202) 382-4359

"The Analysis of Trihalomethanes in Drinking Waters by the Purge and Trap Method", Method 501.1. See 40 CFR 141, Subpart C, Appendix C.

"The Analysis of Trihalomethanes in Drinking Water by Liquid/Liguid Extraction," Method 501.2 See 40 CFR 141, Subpart C, Appendix C.

"Inductively Coupled Plasma-Atomic Emission Spectrometric Method for Trace Element Analysis in Water and Wastes -- Method 200.7, with Appendix to Method 200.7" entitled, "Inductively Coupled Plasma-Atomic Emission Analysis of Drinking Water", March 1987. See 40 CFR 136, Appendix C.

"Interim Radiochemical Methodology for Drinking Water", EPA-600/4-75-008

"Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water", September, 1986

"Methods for Organochlorine Pesticides and Chloro-phenoxy Acid Herbicides in Drinking Water and Raw Source Water"

"Methods of for Chemical Analysis of Water and Wastes". See NTIS

Microbiological Methods for Monitoring the Environment, Water and Wastes". See NTIS

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", H.L. Krieger and S. Gold, EPA-R4-73-014, May, 1973.

United States Environmental Protection Agency, Science and Technology Branch, Criteria and Standards Division, Office of

Drinking Water, Washington D.C. 20460

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", Draft, March 31, 1989

USGS. United States Geological Survey.

Techniques of Water Resources Investigation of the United States Geological Survey,

Chapter A-1, "Methods for Determination of Inorganic substances in Water and Fluvial Sediments", Book 5, 1979

Chapter A-3, "Gas Chromatographic Methods for Analysis of Organic Substances in Water," Book 5, 1971

Technicon Industrial Systems, Tarrytown, NY 10591

"Fluoride in Water and Wastewater", Industrial Method #129-71W, December, 1972

"Fluoride in Water and Wastewater", #380-75WE, February, 1976

c) The Board incorporates the following federal regulations by reference:

40 CFR 136, Appendix B and C (1989)

40 CFR 141, Subpart C, Appendix C (1989).

d) This Part incorporates no future amendments or editions.

Section 611.108 Delegation to Local Government

The Agency may delegate portions of its inspection, investigating and enforcement functions to units of local government pursuant to Section 4(r) of the Act.

Section 611.109 Enforcement

a) Any person may file an enforcement action pursuant to Title VIII of the Act.

b) The results of monitoring required under this Part may be used in an enforcement action.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

BOARD NOTE: Derived from 40 CFR 141.22(e), as amended at 54 Fed. Reg. 27526, June 29, 1989, and from 40 CFR 141.23(e)(4), as amended at 53 Fed. Reg. 5146, February 19, 1988.

Section 611.110 Coverage

This Part applies to each PWS, unless the PWS meets all of the following conditions:

a) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);

b) Obtains all of its water from, but is not owned or operated by, a PWS to which such regulations apply;

c) Does not sell water to any person; and

d) Is not a carrier which conveys passengers in interstate commerce.

BOARD NOTE: Derived from 40 CFR 141.3 (1987).

Section 611.111 Section 1415 Variances

This Section is intended as a State equivalent of Section 1415(a)(1)(A) of the SDWA.

a) The Board may grant a PWS a variance from a NPDWR in this Part.

1) The PWS shall file a variance petition pursuant to 35 Ill. Adm. Code 104, except as modified or supplemented by this Section.

2) The Board may grant a variance from the additional State requirements in this Part without following this Section.

b) As part of the showing of arbitrary or unreasonable hardship, the PWS shall demonstrate that:

1) Because of characteristics of the raw water sources which are reasonably available to the systems, the PWS cannot meet the MCL or other requirement; and

2) The system has applied BAT as identified in this Part. BAT may vary depending on:

A) The number of persons served by the system;

B) Physical conditions related to engineering feasibility;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

and

C) Costs of compliance; and

3) The variance will not result in an unreasonable risk to health.

c) The Board will prescribe a schedule for:

1) Compliance, including increments of progress, by the PWS, with each MCL or other requirement with respect to which the variance was granted, and

2) Implementation by the PWS of each additional control measure for each MCL or other requirement, during the period ending on the date compliance with such requirement is required.

d) A schedule of compliance will require compliance with each MCL or other requirement with respect to which the variance was granted as expeditiously as practicable.

e) The Board will provide notice and oppurtunity for a public hearing as provided in 35 Ill. Adm. Code 104.

BOARD NOTE: Derived from Section 1415(a)(1)(A) of the SDWA.

f) The Board will not grant a variance from the MCL for total coliforms or from any of the treatment technique requirements of Subpart B.

BOARD NOTE: Derived from 40 CFR 141.4 (1987), as amended at 54 Fed. Reg. 27562, June 29, 1989.

Section 611.112 Section 1416 Variances

This Section is intended as a State equivalent of Section 1416 of the SDWA.

a) The Board may grant a PWS a variance from any requirement respecting an MCL or treatment technique requirement of an NPDWR in this Part.

1) The PWS shall file a variance petition pursuant to 35 Ill. Adm. Code 104, except as modified or supplemented by this Section.

2) The Board may grant a variance from the additional State requirements in this Part without following this Section.

b) As part of the showing of arbitrary or unreasonable hardship, the PWS shall demonstrate that:

1) Due to compelling factors (which may include economic factors), the PWS is unable to comply with the MCL or treatment technique requirement;

2) The PWS was:

A) In operation on the effective date of the MCL or treatment technique requirement; or

B) Not in operation on the effective date of the MCL or treatment technique requirement and no reasonable alternative source of drinking water is available to the PWS; and

3) The variance will not result in an unreasonable risk to health.

c) The Board will prescribe a schedule for:

1) Compliance, including increments of progress, by the PWS, with each MCL and treatment technique requirement with respect to which the variance was granted, and

2) Implementation by the PWS of each additional control measure for each contaminant, subject to the MCL or treatment technique requirement, during the period ending on the date compliance with such requirement is required.

d) A schedule of compliance will require compliance with each MCL or other requirement with respect to which the variance was granted as expeditiously as practicable; but no schedule shall extend more than 12 months after the date of the variance, except as follows:

1) The Board may extend the date for a period not to exceed three years beyond the date of the variance if the PWS establishes: that it is taking all practicable steps to meet the standard; and:

A) The PWS cannot meet the standard without capital improvements which cannot be completed within 12 months;

B) In the case of a PWS which needs financial assistance for the necessary improvements, the PWS has entered into an agreement to obtain such financial assistance; or

C) The PWS has entered into an enforceable agreement to become a part of a regional PWS; and

2) In the case of a PWS with 500 or fewer service connections, and which needs financial assistance for the necessary improvements, a variance under subsections (d)(1)(A) or (B) may be renewed for one or more additional two year periods if the PWS establishes that it is taking all practicable steps to meet the final date for compliance.

e) The Board will provide notice and opportunity for a public hearing as provided in 35 Ill. Adm. Code 104.

f) The Agency shall promptly send USEPA the Opinion and Order of the Board granting a variance pursuant to this Section. The Board may reconsider and modify a grant of variance, or variance conditions, if USEPA notifies the Board of a finding pursuant to Section 1416 of the SDWA.

BOARD NOTE: Derived from Section 1416 of the SDWA.

g) The Board will not grant a variance from the MCL for total coliforms or from any of the treatment technique requirements of Subpart B.

BOARD NOTE: Derived from 40 CFR 141.4 (1987), as amended at 54 Fed. Reg. 27562, June 29, 1989.

Section 611.113 Alternative Treatment Techniques

This Section is intended to be equivalent to Section 1415(a)(3) of the SDWA.

a) Pursuant to this Section, the Board may grant an adjusted standard from a treatment technique requirement.

b) The PWS seeking an adjusted standard shall file a petition pursuant to 35 Ill. Adm. Code 106.

c) As justification the PWS shall demonstrate that an alternative treatment technique is at least as effective in lowering the level of the contaminant with respect to which the treatment technique requirement was prescribed.

d) As a condition of any adjusted standard, the Board will require the use of the alternative treatment technique.

BOARD NOTE: Derived from Section 1415(a)(3) of the SDWA.

Section 611.114 Siting requirements

Before a person enters into a financial commitment for or initiates construction of a new PWS or increases the capacity of an existing PWS, the

person shall obtain a construction permit pursuant to 35 Ill. Adm. Code 602.101 and, to the extent practicable, avoid locating part or all of the new or expanded facility at a site which:

a) Is subject to a significant risk from earthquakes, floods, fires or other disasters which could cause a breakdown of the PWS or a portion of the PWS; or

b) Except for intake structures, is within the floodplain of a 100-year flood.

BOARD NOTE: Derived from 40 CFR 141.5 (1987).

Section 611.120 Effective dates

Except as otherwise provided, this Part becomes effective when filed.

BOARD NOTE: Derived from 40 CFR 141.60 (1987), as amended at 52 Fed. Reg. 25712, July 8, 1987.

Section 611.124 Cross Connections

a) No person shall cause or allow a physical connection between the distribution system and any other water not of equal or better bacteriological and chemical quality, except as provided in subsection (d).

b) No person shall cause or allow an arrangement or connection by which an unsafe substance may enter the distribution system.

c) Control of all cross connections to the distribution system is the responsibility of the PWS.

1) If a privately owned water supply meets the applicable criteria, it may be connected to a PWS upon approval by the PWS and by the Agency.

2) Where such connections are made, it is the responsibility of the PWS to assure submission from such privately owned water supply samples and operating reports required by this Part as applicable to the cross-connected source.

d) The Agency may, by permit condition, control unsafe cross connections.

BOARD NOTE: This is an additional State requirement.

Section 611.125 Fluoridation Requirement

All supplies which are required to add fluoride to the water shall maintain a fluoride ion concentration reported as F of 0.9 to 1.2 mg/l in its distribution system, as required by Section 7(a) of "An Act to provide for safeguarding the public health by vesting certain measures of control and supervision in the Department of Public Health over Public Water Supplies in the State", Ill. Rev. Stat. 1987, ch. 111 1/2, par. 121(g)(1).

BOARD NOTE: This is an additional State requirement.

Section 611.126 Prohibition on Use of Lead

a) In general

1) Prohibition. Any pipe, solder or flux, shall be lead free, as defined by subsection (d), if it is used after June 19, 1986, in the installation or repair of:

A) Any PWS, or

B) Any plumbing in a residential or nonresidential facility providing water for human consumption which is connected to a PWS. This subsection does not apply to leaded joints necessary for the repair of cast iron pipes.

2) Each PWS shall identify and provide notice to persons that may be affected by lead contamination of their drinking water where such contamination results from either or both of the following:

A) The lead content in the construction materials of the PWS distribution system; or

B) Corrosivity of the water supply sufficient to cause leaching of lead.

C) Notice must be provided notwithstanding the absence of a violation of any NPDWR. The manner and form of notice are specified in Section 611.861 et seq.

d) Definition of lead free. For purposes of this Section, the term "lead free":

1) When used with respect to solders and flux, refers to solders and flux containing not more than 0.2 percent lead, and

2) When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than 8.0 percent lead.

BOARD NOTE: Derived from 40 CFR 141.43 (1987).

SUBPART B: FILTRATION AND DISINFECTION

Section 611.128 Agency Determinations

a) The Agency shall determine that filtration is required unless the PWS meets the following criteria:

1) Source water quality criteria:

A) Coliforms, see Section 611.131(a)

B) Turbidity, see Section 611.131(b)

2) Site specfic criteria:

A) Disinfection, see Section 611.141(b)

B) Watershed control, see Section 611.132(b)

C) On-site inspection, see Section 611.132(c)

D) Absence of waterborne disease outbreaks, see Section 611.132(d)

E) Total coliform MCL, see Sections 611.132(e) and 611.360.

F) TTHMs MCL, see Section 611.310.

BOARD NOTE: Derived from 40 CFR 141.71, adopted at 54 Fed. Reg. 54 Fed. Reg. 27526, June 29, 1989, and from the Preamble at 54 Fed. Reg. 27505, June 29, 1989.

b) The Agency shall determine with information provided by the PWS whether a PWS uses "groundwater under the direct influence of surface water" on an individual basis. The Agency shall determine that a groundwater source is under the direct influence of surface water based upon:

1) Physical characteristics of the source: whether the source is obviously a surface water source, such as a lake or stream. Other sources which may be subject to influence from surface waters include: springs, infiltration galleries, wells or other collectors in subsurface aquifers.

2) Well construction characteristics and geology with field

evaluation.

A) The Agency may use the wellhead protection program's requirements, which include delineation of wellhead protection areas, assessment of sources of contamination and implementation of management control systems, to determine if the wellhead is under the influence of surface water.

B) Wells less than or equal to 50 feet in depth are likely to be under the influence of surface water.

C) Wells greater than 50 feet in depth are likely to be under the influence of surface water, unless they include:

i) A surface sanitary seal using bentonite clay, concrete similar material.

ii) A well casing that penetrates consolidated (slowly permeable) material.

iii) A well casing that is only perforated or screened below consolidated (slowly permeable) material.

D) A source which is less than 200 feet from any surface water is likely to be under the influence of surface water

3) Any structural modifications to prevent the direct influence of surface water and eliminate the potential for Giardia lamblia cyst contamination.

4) A source water quality records should indicate:

A) No record of total coliform or fecal coliform contamination in untreated samples collected over the past three years.

B) No history of turbidity problems associated with the source.

C) No history of known or suspected outbreak of Giardia lamblia or other pathogenic organism associated with surface water (e.g. cryptosporidium), which has been attributed to that source.

5) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH.

A) A variation in turbity of 0.5 NTU over one year is

indicative of surface influence.

B) A variation in temperature of 2 Celsius degrees over one year is indicative of surface influence.

6) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH which closely correlate to climatological or surface water conditions are indicative of surface water influence.

A) No evidence of particulate matter associated with the surface water.

B) No turbidity or temperature data which correlates to that of a nearby water source.

7) Particulate analysis: Significant occurance of insects or other macroorganisms, algae or large diameter pathogens such as Giardia lamblia is indicative of surface influence.

A) "Large diameter" particulates are those over 7 micrometers.

B) Particulates must be measured as specified in Standard Methods, Method 912K, incorporated by reference in Section 611.102.

8) The potential for contamination by small-diameter pathogens, such as bacteria or viruses, does not alone render the source "under the direct influence of surface water".

BOARD NOTE: Derived from the definition of "groundwater under the direct influence of surface water" in 40 CFR 141.2, adopted at 54 Fed. Reg. 27526, June 29, 1989; from the Preamble at 54 Fed. Reg. 27489, June 29, 1989; and from the USEPA Guidance Manual for Compliance with Filtration and Disinfection Requirements, incorporated by reference in Section 611.102.

c) The Agency shall determine that a system has no means for having a sample analyzed for HPC if:

1) There is no certified laboratory which can analyze the sample within the time and temperatures specified in Standard Methods, Method 907A, incorporated by reference in Section 611.102, considering:

A) Transportation time to the nearest laboratory pursuant to Section 611.490; and

B) Based on the size of the PWS, whether it should acquire in-house laboratory capacity to measure HPC; and

2) The PWS is providing adequate disinfection in the distribution system, considering:

A) Other measurements which show the presence of RDC in the distribution system;

B) The size of the distribution system;

C) The adequacy of the PWS's cross connection control program.

BOARD NOTE: Derived from 40 CFR 141.72(a)(4)(ii), adopted at 54 Fed. Reg. 27526, June 29, 1989, and from the Preamble at 54 Fed. Reg. 27495, June 29, 1989.

d) The Agency shall notify each PWS in writing of the date on which any demonstrations pursuant to the Section are required.

1) The Agency shall require demonstrations at times which meet the USEPA requirements for that type of demonstration, allowing sufficient time for the PWS to collect the necessary information.

2) The demonstration date is a permit condition which may be appealed to the Board.

e) The Agency shall make all determinations in writing. The determination is a condition of the PWS permit, and may be appealed as a modification of that permit.

Section 611.129 General Requirements

a) The requirements of this Subpart constitute national primary drinking water regulations. This Subpart establishes criteria under which filtration is required as a treatment technique for PWSs supplied by a surface water source and PWSs supplied by a groundwater source under the direct influence of surface water. In addition, these regulations establish treatment technique requirements in lieu of MCLs for the following contaminants: Giardia lamblia, viruses, HPC bacteria, Legionella and turbidity. Each PWS with a surface water source or a groundwater source under the direct influence of surface water shall provide treatment of that source water that complies with these treatment technique requirements. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:

1) At least 99.9 percent (3-log) removal or inactivation of Giardia lamblia cysts between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer; and

2) At least 99.99 percent (4-log) removal or inactivation of viruses between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer.

b) A PWS using a surface water source or a groundwater source under the direct influence of surface water is considered to be in compliance with the requirements of subsection (a) if:

1) It meets the requirements for avoiding filtration in Section 611.130 and the disinfection requirements in Section 611.141; or

2) It meets the filtration requirements in Section 611.130 and the disinfection requirements in Section 611.142

c) Each PWS using a surface water source or a groundwater source under the direct influence of surface water must have a certified operator pursuant to 35 Ill. Adm. Code 603.103.

BOARD NOTE: Derived from 40 CFR 141.70 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

Section 611.130 Filtration Effective Dates

a) A PWS that uses a surface water source shall meet all of the conditions of Section 611.131 and 611.132, and is subject to Section 611.133, beginning December 30, 1991, unless the Agency has determined that filtration is required.

b) A PWS that uses a groundwater source under the direct influence of surface water shall meet all of the conditions of Section 611.131 and 611.132, and is subject to Section 611.133, beginning 18 months after the Agency determines that it is under the direct influence of surface water, or December 30, 1991, whichever is later, unless the Agency has determined that filtration is required.

c) If the Agency determines, before December 30, 1991, that filtration is required, the system shall have installed filtration and shall meet the criteria for filtered systems specified in Sections Section 611.142 and Section 611.150 by June 29, 1993.

d) Within 18 months of the failure of a system using surface water or a groundwater source under the direct influence of surface water to meet any one of the requirements of Section 611.131 and 611.132, or after June 29, 1993, whichever is later, the system shall have installed filtration and meet the criteria for filtered systems specified in Sections 611.142 and 611.150.

BOARD NOTE: Derived from 40 CFR 141.71 preamble (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

Section 611.131 Source Water Quality Conditions

The Agency shall consider the following source water quality conditions in determining whether to require filtration pursuant to Section 611.128(a):

a) The fecal coliform concentration must be equal to or less than 20/100 ml, or the total coliform concentration must be equal to or less than 100/100 ml (measured as specified in Section 611.531(a) or (b) and 611.532(a)) in representative samples of the source water immediately prior to the first or only point of disinfectant application in at least 90 percent of the measurements made for the 6 previous months that the system served water to the public on an ongoing basis. If a system measures both fecal and total coliforms, the fecal coliform criterion, but not the total coliform criterion, in this subsection, must be met.

b) The turbidity level cannot exceed 5 NTU (measured as specified in Section 611.531(d) and 611.532(b) in representative samples of the source water immediately prior to the first or only point of disinfectant application unless:

1) The Agency determines that any such event was caused by circumstances that were unusual and unpredictable; and

2) As a result of any such event there have not been more than two events in the past 12 months the system served water to the public, or more than five events in the past 120 months the system served water to the public, in which the turbidity level exceeded 5 NTU. An "event" is a series of consecutive days during which at least one turbidity measurement each day exceeds 5 NTU.

BOARD NOTE: Derived from 40 CFR 141.71(a) (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

c) Each supply must take its raw water from the best available source which is economically reasonable and technically possible.

BOARD NOTE: This is an additional State requirement.

d) Use of recycled sewage treatment plant effluent on a routine basis shall not be permitted.

BOARD NOTE: This is an additional State requirement.

e) Surface Supply - The quality of surface water at the source shall be adequate to supply the total water demand of a community from that source, as well as a reasonable surplus for anticipated growth.

BOARD NOTE: This is an additional State requirement.

f) Groundwater supply - The quality of ground water from the source of supply shall be adequate to supply the total water demand of that public water supply, as well as a reasonable surplus for anticipated growth, without excessive depletion of the aquifer.

BOARD NOTE: This is an additional State requirement.

g) In determining the adequacy of supply for compliance with this section, each individual water supply shall be considered in relation to the percentage of the total requirements it is expected to provide.

BOARD NOTE: This is an additional State requirement.

Section 611.132 Site-specific Conditions

The Agency shall consider the following site specific criteria in determining whether to require filtration pursuant to Section 611.128(a):

a) Disinfection.

1) The PWS shall meet the requirements of Section 611.141(a) at least 11 of the 12 previous months that the system served water to the public, on an ongoing basis, unless the system fails to meet the requirements during 2 of the 12 previous months that the system served water to the public, and the Agency determines that at least one of these failures was caused by circumstances that were unusual and unpredictable.

2) The PWS shall meet the requirements of Section 611.141(b) at all times the system serves water to the public unless the Agency determines that any such failure was caused by circumstances that were unusual and unpredictable.

3) The PWS shall meet the requirements of Section 611.141(c) at all times the system serves water to the public unless the Agency

determines that any such failure was caused by circumstances that were unusual and unpredictable.

4) The PWS shall meet the requirements of Section 611.141(d) on an ongoing basis unless the Agency determines that failure to meet these requirements was not caused by a deficiency in treatment of the source water.

b) Watershed control program. The PWS shall maintain a watershed control program which minimizes the potential for contamination by Giardia lamblia cysts and viruses in the source water. The Agency shall determine whether the watershed control program is adequate to meet this goal. The Agency shall determine the adequacy of a watershed control program based on:

1) The comprehensiveness of the watershed review;

2) The effectiveness of the system's program to monitor and control detrimental activities occurring in the watershed; and

3) The the extent to which the water system has maximized land ownership or controlled land use within the watershed. At a minimum, the watershed control program must:

A) Characterize the watershed hydrology and land ownership;

B) Identify watershed characteristics and activities which may have an adverse effect on source water quality; and

C) Monitor the occurrence of activities which may have an adverse effect on source water quality.

4) The PWS shall demonstrate through ownership and/or written agreements with landowners within the watershed that it can control all human activities which may have an adverse impact on the microbiological quality of the source water. The PWS shall submit an annual report to the Agency that identifies any special concerns about the watershed and how they are being handled; describes activities in the watershed that affect water quality; and projects what adverse activities are expected to occur in the future and describes how the PWS expects to address them. For systems using a groundwater source under the direct influence of surface water, an approved wellhead protection program may be used, if appropriate, to meet these requirements.

c) On-site inspection. PWS shall be subject to an annual on-site inspection to assess the watershed control program and disinfection

treatment process. Either the Agency or a unit of local government delegated pursuant to Section 611.108 shall conduct the inspection. A report of the on-site inspection summarizing all findings must be prepared every year. The on-site inspection must demonstrate that the watershed control program and disinfection treatment process are adequately designed and maintained. The on-site inspection must include:

1) A review of the effectiveness of the watershed control program;

2) A review of the physical condition of the source intake and how well it is protected;

3) A review of the system's equipment maintenance program to ensure there is low probability for failure of the disinfection process;

4) An inspection of the disinfection equipment for physical deterioration;

5) A review of operating procedures;

6) A review of data records to ensure that all required tests are being conducted and recorded and disinfection is effectively practiced; and

7) Identification of any improvements which are needed in the equipment, system maintenance and operation or dataytem and who have a sound understanding of public health principles and waterborne diseases. A report of the on-site inspection summarizing all findings must be prepared every year. The on-site inspection must indicate to the Agency's satisfaction that the watershed control program and disinfection treatment process are adequately designed and maintained. The on-site inspection must include:

A) A review of the effectiveness of the watershed control program;

B) A review of the physical condition of the source intake and how well it is protected;

C) A review of the system's equipment maintenance program to ensure there is low probability for failure of the disinfection process;

D) An inspection of the disinfection equipment for physical deterioration;

E) A review of operating procedures;

F) A review of data records to ensure that all required tests are being conducted and recorded and disinfection is effectively practiced; and

G) Identification of any improvements which are needed in the equipment, system maintenance and operation or data collection.

d) Absence of waterborne disease outbreaks. The PWS shall not have been identified as a source of a waterborne disease outbreak, or if it has been so identified, the system must have been modified sufficiently to prevent another such occurrence.

e) Total Coliform MCL. The PWS shall comply with the MCL for total coliforms in Section 611.360 at least 11 months of the 12 previous months that the system served water to the public, on an ongoing basis, unless the Agency determines that failure to meet this requirement was not caused by a deficiency in treatment of the source water.

f) TTHM MCL. The PWS shall comply with the MCL for TTHM in Section 611.310.

BOARD NOTE: Derived from 40 CFR 141.71(b) (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

Section 611.133 Treatment Technique Violations

a) A PWS is in violation of a treatment technique requirement if:

1) Filtration is required because:

A) The PWS fails to meet any one of the criteria in Section 611.131 and 611.132; or

B) The Agency has determined, pursuant to Section 611.128(a), that filtration is required; and

2) The PWS fails to install filtration by the date specified in Section 611.130.

b) A PWS which has not installed filtration is in violation of a treatment technique requirement if:

1) The turbidity level (measured as specified in Section 611.531(d)

and 611.532(b)) in a representative sample of the source water immediately prior to the first or only point of disinfection application exceeds 5 NTU; or

2) The system is identified as a source of a waterborne disease outbreak.

BOARD NOTE: Derived from 40 CFR 141.71(c) (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

Section 611.140 Disinfection

a) A PWS that uses a surface water source and does not provide filtration treatment shall provide the disinfection treatment specified in Section 611.141 beginning December 30, 1991.

b) A PWS that uses a groundwater source under the influence of surface water and does not provide filtration treatment shall provide disinfection treatment specified in Section 611.141 beginning December 30, 1991, or 18 months after the Agency determines that the groundwater source is under the influence of surface water, whichever is later, unless the Agency has determined that filtration is required.

c) If the Agency determines that filtration is required, the Agency may, by permit condition, require the PWS to comply with interim disinfection requirements before filtration is installed.

d) A system that uses a surface water source that provides filtration treatment shall provide the disinfection treatment specified in Section 611.142 beginning June 29, 1993, or beginning when filtration is installed, whichever is later.

e) A system that uses a groundwater source under the direct influence of surface water and provides filtration treatment shall provide disinfection treatment as specified in Section 611.142 by June 29, 1993 or beginning when filtration is installed, whichever is later.

f) Failure to meet any requirement of the following Sections after the applicable date specified in this Section is a treatment technique violation.

BOARD NOTE: Derived from 40 CFR 141.72 preamble (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

g) All CWSs shall provide disinfection pursuant to Section 611.141 or 611.142, unless the Agency has granted the CWS an exemption pursuant to Section 17.6 of the Act.

BOARD NOTE: This is an additional State requirement.

Section 611.141 Unfiltered PWSs

Each PWS that does not provide filtration treatment shall provide disinfection treatment as follows:

a) The disinfection treatment must be sufficient to ensure at least 99.9 percent (3-log) inactivation fo Giardia lamblia cysts and 99.99 percent (4-log) inactivation of viruses, every day the system serves water to the public, except any one day each month. Each day a system serves water to the public, the PWS shall calculate the CT value(s) from the system's treatment parameters using the procedure specified in Section 611.532(c) and determine whether this value(s) is sufficient to achieve the specified inactivation rates for Giardia lamblia cysts and viruses.

1) If a system uses a disinfectant other than chlorine, the system may demonstrate to the Agency, through the use of an Agency-approved protocol for on-site disinfection challenge studies or other information, that CT99.9 values other than those specified in Appendix B, Tables 2.1 and 3.1 or other operational parameters are adequate to demonstrate that the system is achieving minimum inactivation rates required by this subsection.

2) The demonstration must be made by way of permit application.

b) The disinfection system must have either:

1) Redundant components, including an auxiliary power supply with automatic start-up and alarm to ensure that disinfectant application is maintained continuously while water is being delivered to the distribution system; or

2) Automatic shut-off of delivery of water to the distribution system whenever there is less than 0.2 mg/L of RDC in the water. If the Agency determines that automatic shut-off would cause unreasonable risk to health or interfere with fire protection, the system shall comply with subsection (b)(1).

c) The RDC in the water entering the distribution system, measured as specified in Section 611.531(e) and 611.532(e), cannot be less than 0.2 mg/L for more than 4 hours.

d) RDC in the distribution system.

1) The RDC in the distribution system, measured as total chlorine, combined chlorine or chlorine dioxide, as specified in Section Section 611.531(e) and 611.532(e), cannot be undetectable in more than 5 percent of the samples each month for any two consecutive months that the system serves water to the public. Water in the distribution system with HPC less than or equal to 500/ml, measured as specified in Section 611.531(c), is deemed to have a detectable RDC for purposes of determining compliance with this requirement. Thus, the value "V" in the following formula cannot exceed 5 percent in one month, for any two consecutive months.

$$V = 100(c + d + e) / (a + b)$$

where:

a = Number of instances where the RDC is measured.

b = Number of instances where the RDC is not measured, but HPC is measured.

c = Number of instances where the RDC is measured but not detected and no HPC is measured.

d = Number of instances where the RDC is measured but not detected, and where the HPC is greater than 500/ml. And,

e = Number of instances where the RDC is not measured and HPC is greater than 500/ml.

2) Subsection (d)(1) does not apply if the Agency determines, pursuant to Section 611.128(c), that a PWS has no means for having a sample analyzed for HPC.

BOARD NOTE: Derived from 40 CFR 141.72(a) (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

Section 611.142 Filtered PWSs

Each PWS that provides filtration treatment shall provide disinfection treatment as follows:

a) The disinfection treatment must be sufficient to ensure that the total treatment processes of that system achieve at least 99.9 percent (3-log) inactivation and/or removal of Giardia lamblia cysts and at least 99.99 percent (4-log) inactivation and/of removal of viruses.

b) The RDC in the water entering the distribution system, measured as specified in Section 611.531(e) and 611.533(b), cannot be less than 0.2 mg/L for more than 4 hours.

c) RDC in the distribution system.

1) The RDC in the distribution system, measured as total chlorine, combined chlorine or chlorine dioxide, as specified in Section 611.531(e) and 611.533(c), cannot be undetectable in more than 5 percent of the samples each month, for any two consecutive months that the system serves water to the public. Water in the distribution system with HPC less than or equal to 500/ml, measured as specified in Section 611.531(c), is deemed to have a detectable RDC for purposes of determining compliance with this requirement. Thus, the value "V" in the following formula cannot exceed 5 percent in one month, for any two consecutive months.

$$V = 100(c + d + e) / (a + b)$$

where:

a = Number of instances where the RDC is measured.

b = Number of instances where the RDC is not measured, but HPC is measured.

c = Number of instances where the RDC is measured but not detected and no HPC is measured.

d = Number of instances where the RDC is measured but not detected, and where HPC is greater than 500/ml. And,

e = Number of instances where the RDC is not measured and HPC is greater than 500/ml.

2) Subsection (c)(1) does not apply if the Agency determines, pursuant to Section 611.128(c), that a PWS has no means for having a sample analyzed for HPC.

BOARD NOTE: Derived from 40 CFR 141.72(b) (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

Section 611.150 Filtration

A PWS that uses a surface water source or a groundwater source under the direct influence of surface water, and does not meet all of the criteria in

Section 611.131 and 611.132 for avoiding filtration, shall provide treatment consisting of both disinfection, as specified in Section 611.142, and filtration treatment which complies with the requirements of subsection (a), (b), (c), (d) or (e) by June 29, 1993, or within 18 months of the failure to meet any one of the criteria for avoiding filtration in Section 611.131 and 611.132, whichever is later. Failure to meet any requirement after the date specified in this introductory paragraph is a treatment technique violation.

a) Conventional filtration treatment or direct filtration.

1) For systems using conventional filtration or direct filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 0.5 NTU in at least 95 percent of the measurements taken each month, except that, if the Agency determines, by permit condition, that the system is capable of achieving at least 99.9 percent removal or inactivation of Giardia lamblia cysts at some turbidity level higher than 0.5 NTU in at least 95 percent of the measurements taken each month, the Agency shall substitute this higher turbidity limit for that system. However, in no case shall the Agency approve a turbidity limit that allows more than 1 NTU in more than 5 percent of the samples taken each month.

2) The turbidity level of representative samples of a system's water must at no time exceed 5 NTU.

b) Slow sand filtration.

1) For systems using slow sand filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month, except that if the Agency determines, by permit condition, that there is no significant interference with with disinfection at a higher level, the Agency shall substitute the higher turbidity limit for that system.

2) The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU.

c) Diatomaceous earth filtration.

1) For systems using diatomaceous earth filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month.

2) The turbidity level of representative samples of a system's

filtered water must at no time exceed NTU.

d) Other filtration technologies. A PWS may use a filtration technology not listed in subsections (a) through (c) if it demonstrates, by permit application, to the Agency, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of Section 611.142, consistently achieves 99.9 percent removal or inactivation of Giardia lamblia cysts and 99.99 percent removal or inactivation of viruses. For a system that makes this demonstration, the requirements of subsection (b) apply.

e) Turbidity is measured as specified in Sections 611.531(d) and 611.533(a).

BOARD NOTE: Derived from 40 CFR 141.73 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

Section 611.161 Unfiltered PWSs: Reporting and Recordkeeping

A PWS that uses a surface water source and does not provide filtration treatment shall report monthly to the Agency the information specified in this Section beginning December 31, 1990, unless the Agency has determined that filtration is required, in which case the Agency shall, by permit condition, specify alternative reporting requirements, as appropriate, until filtration is in place. A PWS that uses a groundwater source under the direct influence of surface water and does not provide filtration treatment shall report monthly to the Agency the information specified in this Section beginning December 31, 1990, or 6 months after the Agency determines that the groundwater source is under the direct influence of surface water, whichever is later, unless the Agency has determined that filtration is required, in which case the Agency shall, by permit condition, specify alternative reporting requirements, as appropriate, until filtration is in place.

a) Source water quality information must be reported to the Agency within 10 days after the end of each month the system serves water to the public. Information that must be reported includes:

1) The cumulative number of months for which results are reported.

2) The number of fecal or total coliform samples, whichever are analyzed during the month (if a system monitors for both, only fecal coliforms must be reported), the dates of sample collection, and the dates when the turbidity level exceeded 1 NTU.

3) The number of samples during the month that had equal to or less than 20/100 ml fecal coliforms or equal to or less than 100/100

ml total coliforms, whichever are analyzed.

4) The cumulative number of fecal or total coliform samples, whichever are analyzed, during the previous six months the system served water to the public.

5) The cumulative number of samples that had equal to or less than 20/100 ml fecal coliforms or equal to or less than 100/100 ml total coliforms, whichever are analyzed, during the previous six months the system served water to the public.

6) The percentage of samples that had equal to or less than 20/100 ml fecal coliforms or equal to or less than 100/100 ml total coliforms, whichever are analyzed, during the previous six months the system served water to the public.

7) The maximum turbidity level measured during the month, the date(s) of occurrence for any measurement(s) which exceeded 5 NTU and the date(s) the occurrence(s) was reported to the Agency.

8) For the first 12 months of recordkeeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU, and after one year of recordkeeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU in the previous 12 months the system served water to the public.

9) For the first 120 months of recordkeeping, the dates and cumulative number of events during which the turbidity exceeded 5 NTU, and after 10 years of recordkeeping for turbidity measurements, the dates and cumulative number of events during which the turbidity exceeded 5 NTU in the previous 120 months the system served water to the public.

b) Disinfection information specified in Section 611.532 must be reported to the Agency within 10 days after the end of each month the system serves water to the public. Information that must be reported includes:

1) For each day, the lowest measurement of RDC in mg/L in water entering the distribution system.

2) The date and duration of each period when the RDC in water entering the distribution system fell below 0.2 mg/L and when the Agency was notified of the occurrence.

3) The daily RDC(s) (in mg/L) and disinfectant contact time(s) (in

minutes) used for calculating the CT value(s).

4) If chlorine is used, the daily measurement(s) of pH of disinfected water following each point of chlorine disinfection.

5) The daily measurement(s) of water temperature in degrees C following each point of disinfection.

6) The daily CTcalc and Ai values for each disinfectant measurement or sequence and the sum of all Ai values (B) before or at the first customer.

7) The daily determination of whether disinfection achieves adequate Giardia cyst and virus inactivation, i.e., whether Ai is at least 1.0 or, where disinfectants other than chlorine are used, other indicator conditions that the Agency, pursuant to Section 611.141(a)(1), determines are appropriate, are met.

8) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to Section 611.140 et seq.:

A) Number of instances where the RDC is measured;

B) Number of instances where the RDC is not measured but HPC is measured;

C) Number of instances where the RDC is measured but not detected and no HPC is measured;

D) Number of instances where the RDC is detected and where HPC is greater than 500/ml;

E) Number of instances where the RDC is not measured and HPC is greater than 500/ml;

F) For the current and previous month the system served water to the public,the value of "V" in the following formula:

$$V = 100(c + d + e) / (a + b)$$

where:

a =Value in subsection (b)(8)(A).

b =Value in subsection (b)(8)(B).

c =Value in subsection (b)(8)(C).

d =Value in subsection (b)(8)(D). And,

e =Value in subsection (b)(8)(E).

G) The requirements of subsections (b)(8)(A) through (F) do not apply if the Agency determines, pursuant to Section 611.128(c), that a system has no means for having a sample analyzed for HPC.

9) A system need not report the data listed in subsections (b)(1), and (b)(3) through (6), if all data listed in subsections (b)(1) through (b)(8) remain on file at the system, and the Agency determines that:

A) The system has submitted to the Agency all the information required by subsections (b)(1) through (8) for at least 12 months; and

B) The Agency has determined that the system is not required to provide filtration treatment.

c) By October 10 of each year, each system shall provide to the Agency a report which summarizes its compliance with all watershed control program requirements specified in 611.132(b).

d) By October 10 of each year, each system shall provide to the Agency a report on the on-site inspection conducted during that year pursuant to Section 611.132(c), unless the on-site inspection was conducted by the Agency. If the inspection was conducted by the Agency, the Agency shall provide a copy of its report to the PWS.

e) Reporting health threats.

1) Each system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, shall report that occurrence to the Agency as soon as possible, but no later than by the end of the next business day.

2) If at any time the turbidity exceeds 5 NTU, the system shall inform the Agency as soon as possible, but no later than the end of the next business day.

3) If at any time the RDC falls below 0.2 mg/L in the water entering the distribution system, the system shall notify the Agency as soon as possible, but no later than by the end of the next business day. The system also shall notify the Agency by the end of the next business day whether or not the RDC was

restored to at least 0.2 mg/L within 4 hours.

BOARD NOTE: Derived from 40 CFR 141.75(a) (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

Section 611.162 Filtered PWSs: Reporting and Recordkeeping

A PWS that uses a surface water source or a groundwater source under the direct influence of surface water and provides filtration treatment shall report monthly to the Agency the information specified in this Section beginning June 29, 1993, or when filtration is installed, whichever is later.

a) Turbidity measurements as required by Section 611.533(a) must be reported within 10 days after the end of each month the system serves water to the public. Information that must be reported includes:

1) The total number of filtered water turbidity measurements taken during the month.

2) The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to the turbidity limits specified in Section 611.150 for the filtration technology being used.

3) The date and value of any turbidity measurements taken during the month which exceed 5 NTU.

b) Disinfection information specified in Section 611.533 must be reported to the Agency within 10 days after the end of each month the system serves water to the public. Information that must be reported includes:

1) For each day, the lowest measurement of RDC in mg/L in water entering the distribution system.

2) The date and duration of each period when the RDC in water entering the distribution system fell below 0.2 mg/L and when the Agency was notified of the occurrence.

3) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to Section 611.140 et seq.:

A) Number of instances where the RDC is measured;

B) Number of instances where the RDC is not measured but HPC is measured;

C) Number of instances where the RDC is measured but not detected and no HPC is measured;

D) Number of instances where no RDC is detected and where HPC is greater than 500/ml;

E) Number of instances where the RDC is not measured and HPC is greater than 500/ml;

F) For the current and previous month the system serves water to the public,the value of "V" in the following formula:

$$V = 100(c + d + e) / (a + b)$$

where:

a =Value in subsection (b)(2)(A).

b =Value in subsection (b)(2)(B).

c =Value in subsection (b)(2)(C).

d =Value in subsection (b)(2)(D). And,

e =Value in subsection (b)(2)(E).

G) The requirements of subsections (b)(8)(A) through (F) do not apply if the Agency determines, pursuant to Section 611.128(c), that a system has no means for having a sample analyzed for HPC.

4) A system need not report the data listed in subsection (b)(1) if all data listed in subsections (b)(1) through (3) remain on file at the system and the Agency determines that the system has submitted all the information required by subsections (b)(1) through (3) for at least 12 months.

c) Reporting health threats.

1) Each system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, shall report that occurrence to the Agency as soon as possible, but no later than by the end of the next business day.

2) If at any time the turbidity exceeds 5 NTU, the system shall inform the Agency as soon as possible, but no later than the end of the next business day.

3) If at any time the residual falls below 0.2 mg/L in the water entering the distribution system, the system shall notify the Agency as soon as possible, but no later than by the end of the next business day. The system also shall notify the Agency by the end of the next business day whether or not the residual was restored to at least 0.2 mg/L within 4 hours.

BOARD NOTE: Derived from 40 CFR 141.75(b) (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

Section 611.171 Protection during Repair Work

The PWS shall prevent contamination of water at the source or in the distribution system during repair, reconstruction or alteration.

BOARD NOTE: This is an additional State requirement.

Section 611.172 Disinfection following Repair

a) After any portion of the distribution system has been repaired, reconstructed or altered, the PWS shall disinfect the water in that portion before putting it into operation.

b) The disinfection procedure must be approved by permit condition.

BOARD NOTE: This is an additional State requirement.

SUBPART J: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section 611.180 Point-of-Entry Devices

a) PWSs may use point-of-entry devices to comply with MCLs only if they meet the requirements of this Section.

b) It is the responsibility of the PWS to operate and maintain the point-of entry treatment system.

c) The PWS shall develop a monitoring plan before point-of-entry devices are installed for compliance.

1) Point-of-entry devices must provide health protection equivalent to central water treatment. "Equivalent" means that the water would meet all NPDWR and would be of acceptable quality similar to water distributed by a well-operated central treatment plant.

2) In addition to the VOCs, monitoring must include physical measurements and observations such as total flow treated and

mechanical condition of the treatment equipment.

3) Use of point-of-entry devices must be approved by permit condition.

d) Effective technology must be properly applied under a plan approved by the Agency and the microbiological safety of the water must be maintained.

1) The Agency shall require adequate certification of performance, field testing, and, if not included in the certification process, a rigorous engineering design review of the point-of-entry devices.

2) The design and application of the point-of-entry devices must consider the tendency for increase in heterotrophic bacteria concentrations in water treated with activated carbon. The Agency may require, by permit condition, frequent backwashing, post-contactor disinfection and HPC monitoring to ensure that the microbiological safety of the water is not compromised.

e) All consumers must be protected. Every building connected to the system must have a point-of-entry device installed, maintained and adequately monitored. The Agency must be assured that every building is subject to treatment and monitoring, and that the rights and responsibilities of the PWS customer convey with title upon sale of property.

BOARD NOTE: Derived from 40 CFR 141.100 (1987), as amended at 52 Fed. Reg. 25712, July 8, 1987, and at 53 Fed. Reg. 25109, July 1, 1988.

Section 611.190 Use of other Non-centralized Treatment Devices

PWSs shall not use bottled water or point-of-use devices to achieve compliance with an MCL. Bottled water or point-of-use devices may be used on a temporary basis to avoid an unreasonable risk to health.

BOARD NOTE: Derived from 40 CFR 141.101 (1987), as added at 52 Fed. Reg. 25712, July 8, 1987.

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCL'S)

Section 611.300 Inorganic Chemicals

a) The MCL for nitrate is applicable to both CWSs and non-CWSs except as provided by in subsection (d) . The levels for the other inorganic chemicals apply only to CWSs. Compliance with MCLs for inorganic

chemicals is calculated pursuant to Subpart N.

b) The following are the MCL's for inorganic chemicals:

Contaminant	Level, mg/L	Additional State Requirement
Arsenic	0.05	
Barium	1.	
Cadmium	0.010	
Chromium	0.05	
Copper	5.	*
Cyanide	0.2	*
Fluoride	4.0	
Iron	1.0	*
Lead	0.05	
Manganese	0.15	*
Mercury	0.002	
Nitrate(as N)	10.	
Selenium	0.01	
Silver	0.05	
Zinc	5.	*

BOARD NOTE: Derived from 40 CFR 141.11 (1987).

e) The following supplementary condition applies to the concentrations listed in subsection (b): Iron and manganese:

1) CWSs which serve a population of 1000 or less, or 300 service connections or less, are exempt from the standards for iron and manganese.

2) The Agency may, by permit condition, allow iron and manganese in excess of the MCL if sequestration tried on an experimental basis proves to be effective. If sequestration is not effective, positive iron or manganese reduction treatment as applicable must be provided. Experimental use of a sequestering agent may be tried only if approved by permit condition.

BOARD NOTE: This is an additional State requirement.

Section 611.310 Organic Chemicals

The following are the MCLs for organic chemicals. The MCLs for organic chemicals in subsections (a) and (b) apply to all CWSs. Compliance with the MCLs in subsections (a) and (b) is calculated pursuant to Section 611.641 et

seq. Compliance with the MCL for TTHM is calculated pursuant to Subpart P.

Contaminant	Level (mg/L)	Additional State Requirement
a) Chlorinated hydrocarbons:		
Aldrin	0.001	*
Chlordane	0.003	*
DDT	0.05	*
Dieldrin	0.001	*
Endrin	0.0002	
Heptachlor	0.0001	*
Heptachlor epoxide	0.0001	*
Lindane	0.004	
Methoxychlor	0.1	
Toxaphene	0.005	
b) Chlorophenoxys:		
2,4-D	0.01	*
2,4,5-TP (Silvex)	0.01	
c) TTHM	0.10	*

BOARD NOTE: Derived from 40 CFR 141.12 (1987).

d) The standard for TTHMs does not apply to supplies serving fewer than 10,000 individuals.

BOARD NOTE: This is an additional State requirement.

Section 611.320 Turbidity

This Section applies to unfiltered systems until December 30, 1991, unless the Agency has determined, pursuant to Section 611.128, prior to that date that filtration is required. This Section applies to unfiltered systems that the Agency has determined, pursuant to Section 611.128, must install filtration, until June 29, 1993, or until filtration is installed, whichever is later. The MCLs for turbidity are applicable to both CWSs and non-CWSs using surface water sources in whole or in part. The MCLs for turbidity in drinking water, measured at a representative entry point(s) to the distribution system, are:

a) One turbidity unit, as determined by a monthly average pursuant to Subpart M, except that five or fewer turbidity units are allowed if the PWS demonstrates, by permit permit application, that the higher turbidity does not do any of the following:

1) Interfere with disinfection;

2) Prevent maintenance of an effective disinfectant agent throughout the distribution system; or

3) Interfere with microbiological determinations.

b) Five turbidity units based on an average for two consecutive days pursuant to Subpart M.

BOARD NOTE: Derived from 40 CFR 141.13 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

Section 611.330 Radium and Gross Alpha Particle Activity

The following are the MCLs for radium-226, radium-228 and gross alpha particle radioactivity:

a) Combined radium-226 and radium-228 - 5 pCi/L.

b) Gross alpha particle activity (including radium-226 but excluding radon and uranium) - 15 pCi/L.

BOARD NOTE: Derived from 40 CFR 141.15 (1987).

Section 611.331 Beta Particle and Photon Radioactivity

a) The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water must not produce an annual dose equivalent to the total body or any internal organ greater than 4 mrem/year.

b) Except for the radionuclides listed below, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalents must be calculated on the basis of a 2 liter per day drinking water intake using the 168 hour data listed in "Maximum Permissible Body Burdens and Maximum Permissible Concentration of Radionuclides in Air or Water for Occupational Exposure," NBS Handbook 69, incorporated by reference in Section 611.102. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ must not exceed 4 mrem/year.

AVERAGE ANNUAL CONCENTRATIONS ASSUMED TO PRODUCE A TOTAL BODY OR ORGAN DOSE OF 4 mrem/year

Radionuclide	Critical Organ	pCi/L

Tritium	Total body	20,000
Strontium-90	Bone marrow	8

BOARD NOTE: Derived from 40 CFR 141.16 (1987).

SUBPART G: NATIONAL REVISED MCL'S

Section 611.340 Organics

a) The following MCL levels for organic contaminants apply to CWSs and NTNCWS.

CAS No.	Contaminant	MCL (mg/L)
71-43-2	Benzene	0.005
75-01-4	Vinyl chloride	0.002
56-23-5	Carbon tetrachloride	0.005
107-06-2	1,2-Dichloroethane	0.005
79-01-6	Trichloroethylene	0.005
75-35-4	1,1-Dichloroethylene	0.007
71-55-6	1,1,1-Trichloroethane	0.20
106-46-7	para-Dichlorobenzene	0.075

b) BATs for achieving compliance with the MCLs for organic contaminants are: central treatment using packed tower aeration; central treatment using granular activated carbon for all these chemicals except vinyl chloride.

BOARD NOTE: Derived from 40 CFR 141.61 (1987), as amended at 52 Fed. Reg. 25712, July 8, 1987.

Section 611.350 Inorganics

The following MCL's for inorganic contaminants apply to CWSs.

Maximum contaminant	Contaminant level in mg/L
Fluoride	4.0

BOARD NOTE: Derived from 40 CFR 141.62 (1987).

Section 611.360 Microbiological Contaminants

a) The MCL is based on the presence or absence of total coliforms in a sample, rather than coliform density.

1) For a PWS which collects at least 40 samples per month, if no more than 5.0 percent of the samples collected during a month are total coliform-positive, the PWS is in compliance with the MCL for total coliforms.

2) For a PWS which collects fewer than 40 samples per month, if no more than one sample collected during a month is total coliform-positive, the PWS is in compliance with the MCL for total coliforms.

b) Any fecal coliform-positive repeat sample or E. coli-positive repeat sample, or any total coliform-positive repeal sample following a fecal coliform-positive or E. coli-positive routine sample, constitutes a violation of the MCL for total coliforms. For purposes of the public notification requirements in Section 611.851 et seq., this is a violation that may pose an acute risk to health.

c) A PWS shall determine compliance with the MCL for total coliforms in subsections (a) and (b) for each month in which it is required to monitor for total coliforms.

d) BATs for achieving compliance with the MCL for total coliforms in subsections (a) and (b):

1) Protection of wells from contamination by coliforms by appropriate placement and construction;

2) Maintenance of RDC throughout the distribution system;

3) Proper maintenance of the distribution system including appropriate pipe replacement and repair procedures, main flushing programs, proper operation and maintenance of storage tanks and reservoirs and continual maintenance of positive water pressure in all parts of the distribution system;

4) Filtration and disinfection of surface water, as described in Subpart B, or disinfection of groundwater using strong oxidants such as chlorine, chlorine dioxide or ozone; or

5) The development and implementation of an approved wellhead protection program.

BOARD NOTE: Derived from 40 CFR 141.63 (1987), as amended at 54 Fed. Reg. 27562, June 29, 1989.

SUBPART H: MCL GOALS

Section 611.380 Organics

a) MCLGs are zero for the following contaminants:

1) Benzene

2) Vinyl chloride

3) Carbon tetrachloride

4) 1,2-dichloroethane

5) Trichloroethylene

b) MCLGs for the following contaminants are as indicated:

Contaminant	MCLG (mg/L)
1,1-Dichloroethylene.....	0.007
1,1,1-Trichloroethane.....	0.20
para-Dichlorobenzene.....	0.075

BOARD NOTE: Derived from 40 CFR 141.50 (1987).

Section 611.390 Inorganics

MCLGs for the following contaminants are as indicated:

Contaminant	MCLG (mg/L)
Fluoride.....	4.0

BOARD NOTE: Derived from 40 CFR 141.51 (1987).

Section 611.400 Microbiological Contaminants

MCLGs for the following contaminants are as indicated:

Contaminant	MCLG
Giardia lamblia.....	0.
Viruses.....	0.
Legionella.....	0.

BOARD NOTE: Derived from 40 CFR 141.52 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989, and at 54 Fed. Reg. 27562, June 29, 1989.

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.480 Alternative Analytical Techniques

The Agency may approve, by permit condition, an alternate analytical technique. The Agency shall not approve an alternate analytical technique without the concurrence of USEPA. The Agency shall approve an alternate technique if it is substantially equivalent to the prescribed test in both precision and accuracy as it relates to the determination of compliance with any MCL. The use of the alternate analytical technique must not decrease the frequency of monitoring required by this Part.

BOARD NOTE: Derived from 40 CFR 141.27 (1987).

Section 611.490 Certified Laboratories

a) For the purpose of deterining compliance with Subparts L through Q, samples will be considered only if they have been analyzed by a laboratory certified by the Agency pursuant to Section 4(o) of the Act, except that measurements for turbidity, free chlorine residual, temperature and pH may be performed under the supervision of a certified operator (35 Ill. Adm. Code 603.103).

b) Nothing in this Part shall be construed to preclude the Agency or any duly designated representative of the Agency from taking samples or from using the results from such samples to determine compliance by a supplier of water with the applicable requirements of this Part.

BOARD NOTE: Derived from 40 CFR 141.28 (1987).

c) The PWS shall have required analyses performed either at its own certified laboratory, or at any other certified laboratory. The Agency may require that some or all of the required samples be submitted to its laboratories.

BOARD NOTE: This is an additional State requirement.

Section 611.491 Laboratory Testing Equipment

a) Each PWS shall have adequate laboratory equipment and capability to perform operational tests (except bacteriological) appropriate to the parameters to be tested and the type of treatment employed. Such equipment must be in good operating condition, and the operator on duty must be familiar with the procedure for erforming the tests.

b) Nothing in this Subpart shall be construed to prevent a supply from running control laboratory tests in an uncertified laboratory. These results are not to be included in the required monitoring results.

BOARD NOTE: This is an additional State requirement.

Section 611.492 Violation of State MCL

This Section applies to MCLs which are marked as "additional State requirements", and for which no specific monitoring, reporting or public notice requirements are specified below. If the results of analysis pursuant to this Part indicates that the level of any contaminant exceeds the MCL, the PWS shall:

a) Report to the Agency within seven days, and initiate three additional analyses at the same sampling point within one month;

b) Notify the Agency and give public notice as specified in Subpart T, when the average of four analyses, rounded to the same number of significant figures as the MCL for the contaminant in question, exceeds the MCL; and,

c) Monitor, after public notification, at a frequency designated by the Agency, and continue monitoring until the MCL has not been exceeded in two consecutive samples, or until a monitoring schedule as a condition of a variance or enforcement action becomes effective.

BOARD NOTE: This is an additional State requirement.

Section 611.493 Frequency of State Monitoring

This Section applies to MCLs which are marked as "additional State requirements", and for which no specific monitoring, reporting or public notice requirements are specified below.

a) Analyses for all CWSs utilizing surface water sources must be repeated at yearly intervals.

b) Analyses for all CWSs utilizing only groundwater sources must be repeated at three-year intervals.

BOARD NOTE: This is an additional State requirement.

Section 611.500 Consecutive PWSs

When a PWS supplies water to one or more other PWSs, the Agency shall modify the monitoring requirements imposed by this Part to the extent that the

interconnection of the PWSs jusifies treating them as a single PWS for monitoring purposes. Any modified monitoring must be conducted pursuant to a schedule specified by permit condition. The Agency shall not approve such modified monitoring without the concurrence of USEPA.

BOARD NOTE: Derived from 40 CFR 141.29 (1987).

SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.521 Routine Coliform Monitoring

a) PWSs shall collect total coliform samples at sites which are representative of water throughout the distribution system according to a written sample siting plan, which must be approved by permit condition.

b) The monitoring frequency for total coliforms for CWSs is based on the population served by the PWS, as follows:

TOTAL COLIFORM MONITORING FREQUENCY
FOR CWSs

Population Served More Than:	Minimum Number of Samples per month
24	1
1000	2
2500	3
3300	4
4100	5
4900	6
5800	7
6700	8
7600	9
8500	10
12,900	15
17,200	20
21,500	25
25,000	30
33,000	40
41,000	50
50,000	60
59,000	70
70,000	80
83,000	90
96,000	100
130,000	120
220,000	150

320,000	180
450,000	210
600,000	240
780,000	270
970,000	300
1,230,000	330
1,520,000	360
1,850,000	390
2,270,000	420
3,020,000	450
3,960,000	480

If a CWS serving 25 to 1,000 persons has no history of total coliform contamination in its current configuration and a sanitary survey conducted in the past five years shows that the PWS is supplied solely by a protected groundwater source and is free of sanitary defects, the Agency shall reduce the monitoring frequency specified above, except that in no case shall the Agency reduce the monitoring frequency to less than one sample per quarter. The Agency shall approve the reduced monitoring frequency by permit condition.

c) The monitoring frequency for total coliforms for non-CWSs is as follows:

1) A non-CWS using only groundwater (except groundwater under the direct influence of surface water, as determined in Section 611.128) and serving 1,000 persons or fewer shall monitor each calendar quarter that the system provides water to the public, except that the Agency shall reduce this monitoring frequency, by permit condition, if a sanitary survey shows that the system is free of sanitary defects. Beginning June 29, 1994, the Agency cannot reduce the monitoring frequency for a non-CWS using only groundwater (except groundwater under the direct influence of surface water) and serving 1,000 persons or fewer to less than once per year.

2) A non-CWS using only groundwater (except groundwater under the direct influence of surface water) and serving more than 1,000 persons during any month shall monitor at the same frequency as a like-sized CWS, as specified in subsection (b), except the Agency shall reduce this monitoring frequency, by permit condition, for any month the system serves 1,000 persons or fewer. The Agency cannot reduce the monitoring to less than once per year. For systems using groundwater under the direct influence of surface water, subsection (c)(4) applies.

3) A non-CWS using surface water, in total or in part, shall monitor at the same frequency as a like-sized CWS, as specified in subsection (b), regardless of the number of persons it serves.

4) A non-CWS using groundwater under the direct influence of surface water, shall monitor at the same frequency as a like-sized CWS, as specified in subsection (b). The system shall begin monitoring at this frequency beginning six months after the Agency determines, pursuant to Section 611.128, that the groundwater is under the direct influence of surface water.

d) The PWS shall collect samples at regular time intervals throughout the month, except that a PWS which uses groundwater (except groundwater under the direct influence of surface water) and serves 4,900 persons or fewer, may collect all required samples on a single day if they are taken from different sites.

e) A PWS that uses surface water or groundwater under the direct influence of surface water, and does not practice filtration in compliance with Subpart B, shall collect at least one sample near the first service connection each day the turbidity level of the source water, measured as specified in Section 611.532(b), exceeds 1 NTU. This sample must be analyzed for the presence of total coliforms. When one or more turbidity measurements in any day exceed 1 NTU, the PWS must collect this coliform sample within 24 hours of the first exceedance, unless the Agency has determined, by permit condition, that the PWS, for logistical reasons outside the PWS's control, cannot have the sample analyzed within 30 hours of collection. Sample results from this coliform monitoring must be included in determining compliance with the MCL for total coliforms in Section 611.360.

f) Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement or repair, must not be used to determine compliance with the MCL for total coliforms in Section 611.360.

BOARD NOTE: Derived from 40 CFR 141.21(a) (1987), as amended at 54 Fed. Reg. 27562, June 29, 1989.

Section 611.522 Repeat Coliform Monitoring

a) If a routine sample is total coliform-positive, the PWS shall collect a set of repeat samples within 24 hours of being notified of the positive result. A PWS which collects more than one routine sample per month shall collect no fewer than three repeat samples for each total coliform-positive sample found. A PWS which collects one routine sample per month or fewer shall collect no fewer than four repeat samples for each total coliform-positive sample found. The

Agency shall extend the 24-hour limit on a case-by-case basis if the PWS has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control. In the case of an extension, the Agency shall specify how much time the PWS has to collect the repeat samples.

b) The PWS shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken, and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five service connections downstream of the original sampling site. If a total coliform-positive sample is at the end of the distribution system, or one away from the end of the distribution system, the PWS is not required to collect at least one repeat sample upstream or downstream of the original sampling site.

c) The PWS shall collect all repeat samples on the same day, except that the Agency shall allow a PWS with a single service connection to collect the required set of repeat samples over a four-day period or to collect a larger volume repeat sample(s) in one or more sample containers of any size, as long as the total volume collected is at least 400 ml (300 ml for PWSs which collect more than one routine sample per month).

d) If one or more repeat samples in the set is total coliform-positive, the PWS shall collect an additional set of repeat samples in the manner specified in subsections (a) through (c). The additional samples must be collected within 24 hours of being notified of the positive result, unless the Agency extends the limit as provided in subsection (a). The PWS shall repeat this process until either total coliforms are not detected in one complete set of repeat samples or the PWS determines that the MCL for total coliforms in Section 611.360 has been exceeded and notifies the Agency.

e) If a PWS collecting fewer than five routine samples/month has one or more total coliform-positive samples and the Agency does not invalidate the sample(s) under Section 611.523, the PWS shall collect at least five routine samples during the next month the PWS provides water to the public, unless the Agency determines that the conditions of subsection (e)(1) or (2) are met. This does not apply to the requirement to collect repeat samples in subsections (a) through (d). The PWS does not have to collect the samples if:

1) The Agency, or a local government unit delegated pursuant to Section 611.108, performs a site visit before the end of the next month the PWS provides water to the public. Although a sanitary survey need not be performed, the site visit must be sufficiently detailed to allow the Agency to determine whether

additional monitoring or any corrective action is needed. The Agency cannot approve an employee of the PWS to perform this site visit, even if the employee is an agent approved by the Agency to perform sanitary surveys.

2) The Agency has determined why the sample was total coliform-positive and establishes that the PWS has corrected the problem or will correct the problem before the end of the next month the PWS serves water to the public.

A) The Agency shall document this decision in writing, and make the document available to USEPA and the public. The written documentation must describe the specific cause of the total coliform-positive sample and what action the PWS has taken or will take to correct the problem.

B) The Agency cannot waive the requirement to collect five routine samples the next month the PWS provides water to the public solely on the grounds that all repeat samples are total coliform-negative.

C) Under this subsection, a PWS shall still take at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with the MCL for total coliforms in Section 611.360, unless the Agency has determined that the PWS has corrected the contamination problem before the PWS took the set of repeat samples required in subsections (a) through (d), and all repeat samples were total coliform-negative.

f) After a PWS collects a routine sample and before it learns the results of the analysis of that sample, if it collects another routine sample(s) from within five adjacent service connections of the initial sample, and the initial sample, after analysis, is found to contain total coliforms, then the PWS may count the subsequent sample(s) as a repeat sample instead of as a routine sample.

g) Results of all routine and repeat samples not invalidated pursuant to Section 611.523 must be included in determining compliance with the MCL for total coliforms in Section 611.360.

BOARD NOTE: Derived from 40 CFR 141.21(b) (1987), as amended at 54 Fed. Reg. 27562, June 29, 1989.

Section 611.523 Invalidation of Total Coliform Samples

A total coliform-positive sample invalidated under this Section does not count towards meeting the minimum monitoring requirements.

a) The Agency shall invalidate a total coliform-positive sample only if the conditions of subsection (a)(1), (2) or (3) are met.

1) The laboratory establishes that improper sample analysis caused the total coliform-positive result.

2) The Agency, on the basis of the results of repeat samples collected as required by Section 611.522(a) through (d) determines that the total coliform-positive sample resulted from a domestic or other non-distribution system plumbing problem. The Agency cannot invalidate a sample on the basis of repeat sample results unless all repeat sample(s) collected at the same tap as the original total coliform-positive sample are also total coliform-positive, and all repeat samples collected within five service connections of the original tap are total coliform-negative (e.g., a Agency cannot invalidate a total coliform-positive sample on the basis of repeat samples if all the repeat samples are total coliform-negative, or if the PWS has only one service connection).

3) The Agency determines that a total coliform-positive result is due to a circumstance or condition which does not reflect water quality in the distribution system. In this case, the PWS shall still collect all repeat samples required under Section 611.522(a) through (d) and use them to determine compliance with the MCL for total coliforms in Section 611.360. To invalidate a total coliform-positive sample under this subsection, the decision with the rationale for the decision must be documented in writing. The Agency shall make this document available to USEPA and the public. The written documentation must state the specific cause of the total coliform-positive sample, and what action the PWS has taken, or will take, to correct this problem. The Agency shall not invalidate a total coliform-positive sample solely on the grounds that all repeat samples are total coliform-negative.

b) A laboratory shall invalidate a total coliform sample (unless total coliforms are detected) if the sample produces a turbid culture in the absence of gas production using an analytical method where gas formation is examined (e.g., the Multiple-Tube Fermentation Technique), produces a turbid culture in the absence of an acid reaction in the P-A Coliform Test, or exhibits confluent growth or produces colonies too numerous to count with an analytical method using a membrane filter (e.g., Membrane Filter Technique). If a laboratory invalidates a sample because of such interference, the PWS shall collect another sample from the same location as the original sample within 24 hours of being notified of the interference problem,

and have it analyzed for the presence of total coliforms. The PWS shall continue to re-sample within 24 hours and have the samples analyzed until it obtains a valid result. The Agency shall waive the 24-hour time limit on a case-by-case basis, if it is not possible to collect the sample within that time.

BOARD NOTE: Derived from 40 CFR 141.21(c) (1987), as amended at 54 Fed. Reg. 27562, June 29, 1989.

Section 611.524 Sanitary Surveys

a) Requirement to conduct a sanitary survey.

1) PWSs which do not collect five or more routine samples per month shall undergo an initial sanitary survey by June 29, 1994 for CWSs and June 29, 1999 for non-CWSs. Thereafter, PWSs shall undergo another sanitary survey every five years, except that non-CWSs using only disinfected groundwater, from a source which is not under the direct influence of surface water, shall undergo subsequent sanitary surveys at least every ten years after the initial sanitary survey. The Agency shall review the results of each sanitary survey to determine, by permit condition, whether the existing monitoring frequency is adequate and what additional measures, if any, the PWS needs to undertake to improve drinking water quality.

2) In conducting a sanitary survey of a PWS using groundwater, information on sources of contamination within the delineated wellhead protection area that was collected in the course of developing and implementing the wellhead protection program should be considered instead of collecting new information, if the information was collected since the last time the PWS was subject to a sanitary survey.

b) Sanitary surveys must be performed by the Agency or a unit of local government delegated pursuant to Section 611.103. The PWS is reponsible for ensuring the survey takes place.

BOARD NOTE: Derived from 40 CFR 141.21(d) (1987), as amended at 54 Fed. Reg. 27562, June 29, 1989.

Section 611.525 Fecal Coliform and E. Coli Testing

a) If any routine or repeat sample is total coliform-positive, the PWS shall analyze that total coliform-positive culture medium to determine if fecal coliforms are present, except that the PWS may test for E. coli in lieu of fecal coliforms. If fecal coliforms or E. coli are present, the PWS shall notify the Agency by the end of

the day when the PWS is notified of the test result, unless the PWS is notified of the result after the Agency office is closed, in which case the PWS shall notify the Agency before the end of the next business day.

b) The Agency may allow a PWS, on a case-by-case basis, to forgo fecal coliform or E. coli testing on a total coliform-positive sample if that PWS assumes that the total coliform-positive sample is fecal coliform-positive or E. coli-positive. Accordingly, the PWS shall notify the Agency as specified in subsection (a) and the provisions of Section 611.360(b) apply.

BOARD NOTE: Derived from 40 CFR 141.21(e) (1987), as amended at 54 Fed. Reg. 27562, June 29, 1989.

Section 611.526 Analytical Methodology

a) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 ml.

b) PWSs need only determine the presence or absence of total coliforms, a determination of total coliform density is not required.

c) PWSs shall conduct total coliform analyses in accordance with one of the following analytical methods, incorporated by reference in Section 611.102:

1) Multiple-Tube Fermentation (MTF) Technique, as set forth in:

A) Standard Methods, Method 908, 908A and 908B, except that 10 fermentation tubes must be used; or

B) Microbiological Methods, Part III, Section B 4.1-4.6.4, pp. 114-118, (Most Probable Number Method), except that 10 fermentation tubes must be used; or

2) Membrance Filter (MF) Technique, as set forth in:

A) Standard Methods, Method 909, 909A and 909B; or

B) Microbiological Methods, Part III, Section B.2.1-2.6, pp. 108-112; or

3) P-A Coliform Test, as set forth in:

A) Standard Methods, Method 908E; or

B) Minimal Medium ONPG-MUG (MMO-MUG) Test

d) In lieu of the 10-tube MTF Technique specified in subsection (c)(1), a PWS may use the MTF Technique using either five tubes (20-ml sample portions or a single culture bottle containing the culture medium for the MTF Technique, i.e., lauryl tryptose broth (formulated as described in Standard Methods, Method 908A, incorporated by reference in Section 611.102) as long as a 100-ml water sample is used in the analysis.

e) PWSs shall conduct fecal coliform analysis in accordance with the following procedure:

1) When the MTF Technique or P-A Coliform Test is used to test for total coliforms, shake the lactose-positive presumptive tube or P-A bottle vigorously and transfer the growth with a sterile 3-mm loop or sterile applicator stick into brilliant green lactose bile broth and EC medium, defined below, to determine the presence of total and fecal coliforms, respectively.

2) For Microbiological Methods, referenced above, which use a membrance filter, remove the membrane containing the total coliform colonies from the substrate with a sterile forceps and carefully curl and insert the membrane into a tube of EC medium. (The laboratory may first remove a small portion of selected colonies for verification). Gently shake the inoculated EC tubes to insure adequate mixing and incubate in a waterbath at 44.5 +/- 0.2 degrees C for 24 +/- 2 hours. Gas production of any amount in the inner fermentation tube of the EC medium indicates a positive fecal coliform test.

3) The preparation of EC medium is described in Standard Methods, Method 908C.

4) PWSs need only determine the presence or absence of fecal coliforms, a determination of fecal coliform density is not required.

BOARD NOTE: Derived from 40 CFR 141.21(f) (1987), as amended at 54 Fed. Reg. 27562, June 29, 1989.

Section 611.527 Response to Violation

a) A PWS which has exceeded the MCL for total coliforms in Section 611.360 shall report the violation to the Agency no later than the end of the next business day after it learns of the violation, and notify the public in accordance with Subpart T.

b) A PWS which has failed to comply with a coliform monitoring

requirement, including the sanitary survey requirement, shall report the monitoring violation to the Agency within ten days after the PWS discovers the violation, and notify the public in accordance with Subpart T.

BOARD NOTE: Derived from 40 CFR 141.21(g) (1987), as amended at 54 Fed. Reg. 27562, June 29, 1989.

Section 611.531 Analytical Requirements

Only the analytical method(s) specified in this Section, or otherwise approved by the Agency pursuant to Section 611.480, may be used to demonstrate compliance with the requirements of Subpart B. Measurements for pH, temperature, turbidity and RDCs must be conducted by a certified operator. Measurements for total coliforms, fecal coliforms and HPC must be conducted by a laboratory certified by the Agency to do such analysis. Until laboratory certification criteria are developed for the analysis of HPC and fecal coliforms, any laboratory certified for total coliform analysis by the Agency is deemed certified for HPC and fecal coliform analysis. The following procedures must be performed by the following methods, incorporated by reference in Section 611.102:

a) Fecal coliform concentration: Standard Methods, Methods 908C, 908D or 909C.

b) Total coliform concentration: Standard Methods, Methods 908A, 908B, 908D, 909A or 909B

BOARD NOTE: PWSs may use a five-tube test or a ten-tube test.

c) HPC: Standard Methods, Method 907A.

d) Turbidity: Standard Methods, Method 214A.

e) RDC:

1) Free chlorine and combined chlorine (chloramines) must be measured by Standard Methods, Methods 408C, 408D, 408E or 408F.

2) Ozone must be measured by the Indigo Method, or automated methods which are calibrated in reference to the results obtained by the Indigo Method on a regular basis, if approved by the Agency.

3) Chlorine dioxide must be measured by Standard Methods, Methods 410B or 410C.

f) Temperature: Standard Methods, Method 212.

g) pH: Standard Methods, Method 423.

BOARD NOTE: Derived from 40 CFR 141.74(a) (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

Section 611.532 Filtered PWSs

A PWS that uses a surface water source and does not provide filtration treatment shall begin monitoring December 31, 1990, unless the Agency has determined, pursuant to Section 611.128, that filtration is required, in which case the Agency shall specify alternative monitoring requirements, as appropriate, until filtration is in place. A PWS that uses a groundwater source under the direct influence of surface water and does not provide filtration treatment shall begin monitoring beginning December 31, 1990, or 6 months after the Agency determines, pursuant to Section 611.128, that the groundwater source is under the direct influence of surface water, whichever is later, unless the Agency has determined that filtration is required, in which case the Agency shall specify alternative monitoring requirements, as appropriate, until filtration is in place.

a) Fecal colifom or total coliform density measurements as required by Section 611.131(a) must be performed on representative source water samples immediately prior to the first or only point of disinfectant application. The PWS shall sample for fecal or total coliforms at the following minimum frequency each week the PWS serves water to the public.

Persons Served More Than:	Samples per Week
0	1
500	2
3300	3
10,000	4
25,000	5

Also, one fecal or total coliform density measurement must be made every day the PWS serves water to the public and the turbidity of the source water exceeds 1 NTU (these samples count towards the weekly coliform sampling requirement) unless the Agency determines that the PWS, for logistical reasons outside the PWS's control cannot have the sample analyzed within 30 hours of collection.

b) Turbidity measurements as required by Section 611.131(b) must be performed on representative grab samples of source water immediately prior to the first or only point of disinfectant application every

four hours (or more frequently) that the PWS serves water to the public. A PWS may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by permit condition.

c) The total inactivation ratio for each day that the PWS is in operation must be determined based on the CT99.9 values in Appendix B as appropriate. The parameters necessary to determine the total inactivation ratio must be monitored as follows:

1) The temperature of the disinfected water must be measured at least once per day at each RDC sampling point.

2) If the PWS uses chlorine, the pH of the disinfected water must be measured at least once per day at each chlorine RDC sampling point.

3) The disinfectant contact time(s) ("T") must be determined for each day during peak hourly flow.

4) The RDC(s) ("C") of the water before or at the first customer must be measured each day during peak hourly flow.

5) If a PWS uses a disinfectant other than chlorine, the PWS may monitor by other methods approved pursuant to Section 611.141(a)(1) and (2).

d) The total inactivation ratio must be calculated as follows:

1) If the PWS uses only one point of disinfectant application, the PWS may determine the total inactivation ratio based on either of the following two methods:

A) One inactivation ratio (Ai = CTcalc/CT99.9) is determined before or at the first customer during peak hourly flow and, if the Ai is greater than 1.0, the 99.9 percent Giardia lamblia inactivation requirement has been achieved; or

B) Successive Ai values, representing sequential inactivation ratios, are determined between the point of disinfectant application and a point before or at the first customer during peak hourly flow. Under this alternative, the following method must be used to calculate the total inactivation ratio:

i) Determine, for each sequence:

$$Ai = CTcalc/CT99.9$$

ii) Add the Ai values together:

$$B = SUM(Ai)$$

iii) If B is greater than 1.0, the 99.9 percent Giardia lamblia inactivation requirement has been achieved.

2) If the PWS uses more than one point of disinfectant application before or at the first customer, the PWS shall determine the CT value of each disinfection sequence immediately prior to the next point of disinfectant application during peak hourly flow. The Ai value of each sequence and B must be calculated using the method in subsection (d)(1)(B) to determine if the PWS is in compliance with Section 611.141.

3) Although not required, the total percent inactivation (PI) for a PWS with one or more points of RDC monitoring may be calculated as follows:

$$PI = 100 - (100/10^{3B})$$

e) The RDC of the water entering the distribution system must be monitored continuously, and the lowest value must be recorded each day, except that if there is a failure in the continuous monitoring equipment, grab sampling every 4 hours may be conducted in lieu of continuous monitoring, but for no more than 5 working days following the failure of the equipment, and PWSs serving 3,300 or fewer persons may take grab samples in lieu of providing continuous monitoring on an ongoing basis at the frequencies prescribed below:

PWS size, by population More than:	Samples per day:
0	1
500	2
1000	3
2500	4

If at any time the residue disinfectant concentration falls below 0.2 mg/L in a system using grab sampling in lieu of continuous monitoring, the PWS shall take a grab sample every 4 hours until the RDC is equal to or greater than 0.2 mg/L.

f) Points of measurement.

1) The RDC must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in Section 611.521 et seq., except that the Agency shall allow a PWS which uses both a surface water source or a groundwater source under direct influence of surface water, and a groundwater source to take disinfectant residual samples at points other than the total coliform sampling points if the Agency determines that such points are more representative of treated (disinfected) water quality within the distribution system. HPC may be measured in lieu of RDC.

2) If the Agency determines, pursuant to Section 611.128, a PWS has no means for having a sample analyzed for HPC, the requirements of subsection (f)(1) do not apply to that PWS.

BOARD NOTE: Derived from 40 CFR 141.74(b) (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

Section 611.533 Filtered PWSs

A PWS that uses a surface water source or a groundwater source under the influence of surface water and provides filtration treatment shall monitor in accordance with this Section beginning June 29, 1993, or when filtration is installed, whichever is later.

a) Turbidity measurements as required by Section 611.150 must be performed on representative samples of the PWS's filtered water every four hours (or more frequently) that the PWS serves water to the public. A PWS may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a protocol approved by permit condition. For any PWSs using slow sand filtration or filtration treatment other than conventional treatment, direct filtration or diatomaceous earth filtration, the Agency shall reduce the sampling frequency to once per day if it determines that less frequent monitoring is sufficient to indicate effective filtration performance. For PWSs serving 500 or fewer persons, the Agency shall reduce the turbidity sampling frequency to once per day, regardless of the type of filtration treatment used, if the Agency determines that less frequent monitoring is sufficient to indicate effective filtration performance.

b) RDC entering distribution system.

1) PWSs serving more than 3300 persons. The RDC of the water entering the distribution system must be monitored continuously,

and the lowest value must be recorded each day, except that, if there is a failure in the continuous monitoring equipment, grab sampling every 4 hours may be conducted in lieu of continuous monitoring, but for no more than 5 working days following the failure of the equipment.

2) PWSs serving 3,300 or fewer persons may take grab samples in lieu of providing continuous monitoring on an ongoing basis at the frequencies each day prescribed below. The day's samples cannot be taken at the same time. The sampling intervals must be specified by permit condition.

Persons Served More than:	Samples per Week:
0	1
500	2
1000	3
2500	4

If at any time the RDC falls below 0.2 mg/L in a system using grab sampling in lieu of continuous monitoring, the PWS shall take a grab sample every 4 hours until RDC is equal to or greater than 0.2 mg/L.

c) Points of measurement.

1) The RDC must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in 611.521 et seq., except that the Agency shall allow a PWS which uses both a surface water source or a groundwater source under direct influence of surface water, and a groundwater source, to take RDC samples at points other than the total coliform sampling points if the Agency determines that such points are more representative of treated (disinfected) water quality within the distribution system. HPC may be measured in lieu of RDC.

2) Subsection (c)(1) does not apply if the Agency determines, pursuant to Section 611.128(c), that a system has no means for having a sample analyzed for HPC.

BOARD NOTE: Derived from 40 CFR 141.74(c) (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.560 Turbidity

The requirements in this Section apply to unfiltered PWSs until December 30, 1991, unless the Agency has determined prior to that date that filtration is required. The requirements in this Section apply to filtered PWSs until June 29, 1993. The requirements in this Section apply to unfiltered PWSs that the Agency has determined must install filtration, until June 29, 1993, or until filtration is installed, whichever is later.

a) Samples must be taken by suppliers of water for both community and non-CWSs at a representative entry point(s) to the water distribution system at least once per day, for the purposes of making turbidity measurements to determine compliance with Section 611.320. If the Agency determines that a reduced sampling frequency in a non-community will not pose a risk to public health, it can reduce the required sampling frequency. The option of reducing the turbidity frequency will be permitted only in those PWSs that practice disinfection and which maintain an active RDC in the distribution system, and in those cases where the Agency has indicated in writing that no unreasonable risk to health existed under the circumstances of this option. The turbidity measurements must be made in accordance with the following methods, incorporated by reference in Section 611.102: By the Nephelometric Method:

1) Standard Methods, Method 214A; or

2) Inorganic Methods, Method 180.1.

b) If the result of a turbidity analysis indicates that the maximum allowable limit has been exceeded, the sampling and measurement must be confirmed by resampling as soon as practicable and preferably within one hour. If the repeat sample confirms that the maximum allowable limit has been exceeded, the supplier of water shall report to the Agency within 48 hours. The repeat sample must be the sample used for the purpose of calculating the monthly average. If the monthly average of the daily samples exceeds the maximum allowable limit, or if the average of two samples taken on consecutive days exceeds 5 TU, the supplier of water shall report to the Agency and notify the public as directed in Subpart T.

c) Sampling for non-CWSs must begin by June 29, 1991.

d) This Section applies only to PWSs which use water obtained in whole or in part from surface sources.

BOARD NOTE: Derived from 40 CFR 141.22 (1987), as amended at 54 Fed. Reg. 27526, June 29, 1989.

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.601 Requirements

a) Analyses for the purpose of determining compliance with Section 611.300 are required as follows:

1) Analyses for all CWSs utilizing surface water sources must be repeated at yearly intervals.

BOARD NOTE: This applies also to additional State requirements.

2) Analyses for all CWSs utilizing only groundwater sources must be repeated at three-year intervals.

BOARD NOTE: This applies also to additional State requirements.

3) For non-CWSs, whether supplied by surface or ground sources, analyses for nitrate must be repeated at intervals specified by permit condition.

b) If the result of an analysis made under subsection (a) or Section 611.607 indicates that the level of any contaminant listed in Section 611.300 or 611.350 exceeds the MCL, the PWS shall report to the Agency within 7 days and initiate three additional analyses at the same sampling point within one month.

BOARD NOTE: This applies also to additional State requirements.

c) When the average of four analyses made pursuant to subsection (b), rounded to the same number of significant figures as the MCL for the substance in question, exceeds the MCL, the supplier of water shall notify the Agency and give notice to the public pursuant to Subpart T. Monitoring after public notification must be at a frequency designated by the Agency and must continue until the MCL has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

BOARD NOTE: This applies also to additional State requirements.

d) The provisions of subsections (b) and (c) notwithstanding, compliance with the MCL of nitrate must be determined on the basis of the mean of two analyses. When a level exceeding the MCL for nitrate is found, a second analysis must be initiated within 24 hours, and if the mean of the two analyses exceeds the MCL, the supplier of water shall report his findings to the Agency and shall notify the public pursuant to Subpart T.

BOARD NOTE: Derived from 40 CFR 141.23(a) through (d) (1987), as amended at 53 Fed. Reg. 5146, February 19, 1988.

Section 611.606 Analytical Methods

Analyses conducted to determine compliance with Section 611.300 or 611.350 must be made in accordance with the following methods, incorporated by reference in Section 611.102. For approved analytical procedures for metals, the technique applicable to total metals must be used.

a) Arsenic:

1) ASTM Method D2972; or

2) Standard Methods:

A) Method 301A VII; or

B) Method 404A and 404B(4), Spectrophotometric, Silver Diethyldithiocarbamate; or

3) USGS Methods, Method I-1062-78, pp. 61-63, Atomic Absorption - Gaseous Hydride; or

4) Inorganic Methods:

A) Method 206.2, Atomic Absorption Furnace Technique; or

B) Method 206.3; or

C) Method 206.4; or

5) Inductively Coupled Plasma Method 200.7.

b) Barium:

1) Standard Methods, Method 301A IV, Atomic Absorption - Direct Aspiration; or

2) Inorganic Methods:

A) Method 208.1; or

B) Method 208.2, Atomic Absorption Furnace Technique; or

3) Inductively Coupled Plasma Method 200.7.

c) Cadmium:

1) ASTM Method D 3557A or B; or

2) Standard Methods, Method 301A II or III, Atomic Absorption - Direct Aspiration; or

3) Inorganic Methods:

A) Method 213.1; or

B) Method 213.2, Atomic Absorption Furnace Technique; or

4) Inductively Coupled Plasma Method 200.7.

d) Chromium:

1) ASTM Method D 1687; or

2) Standard Methods, Method 301A II or III, Atomic Absorption - Direct Aspiration; or

3) Inorganic Methods:

A) Method 218.1; or

B) Method 218.2, Atomic Absorption Furnace Technique; or

4) Inductively Coupled Plasma Method 200.7.

e) Lead:

1) ASTM Method D 3559; or

2) Standard Methods, Method 301A II or III, Atomic Absorption - Direct Aspiration; or

3) Inorganic Methods:

A) Method 239.1; or

B) Method 239.2, Atomic Absorption Furnace Technique.

f) Mercury:

1) ASTM Method D 3223; or

2) Standard Methods, Method 301A VI, Manual Cold Vapor Technique;

or

3) Inorganic Methods:

A) Method 245.1; or

B) Method 245.2, Automated Cold Vapor Technique.

g) Nitrate:

1) ASTM: Method D 3867; or

2) Standard Methods:

A) Method 419C, Spectrometric, Cadmium Reduction;

B) Method 419D, Colorimetric Brucine; or

C) Method 605, Automated Cadmium Reduction.

3) Inorganic Methods:

A) Method 352.1; or

B) Method 353.1, Automated Hydrazine Reduction; or

C) Method 353.2; or

D) Method 353.3; or

h) Selenium:

1) Inorganic Methods

A) Method 270.2, Atomic Absorption Furnace Technique; or

B) Method 270.3; or

3) USGS Methods, Method I-1667-78, pp. 237-239; or

4) ASTM Method D 3859; or

5) Standard Methods, Method 301A VII, Hydride Generation - Atomic Absorption Spectrophotometry.

i) Silver:

1) Standard Methods, Method 301A II, Atomic Absorption - Direct

Aspiration; or

2) Inorganic Methods:

A) Method 272.1; or

B) Method 272.2, Atomic Absorption Furnace Technique; or

3) Inductively Coupled Plasma Method 200.7.

j) Fluoride:

1) ASTM D 1179; or

2) Standard Methods:

A) Methods 43A and 43C;

B) Method 413B;

C) Method 413E; or

3) Inorganic Methods:

A) Method 340.1;

B) Method 340.2;

B) Method 340.3; or

4) Technicon Methods:

A) #129-71W;

B) 380-75WE.

BOARD NOTE: Derived from 40 CFR 141.23(f) (1987), as amended at 53 Fed. Reg. 5146, February 19, 1988.

k) Manganese:

1) ASTM D 858;

2) Standard Methods:

A) Methods 303 A or B;

B) Method 304; or

C) Method 319 B;

BOARD NOTE: These methods are used for additional State requirements.

l) Iron:

1) ASTM D 1068;

2) Standard Methods:

A) Methods 303 A or B;

B) Method 304; or

C) Method 315 B.

BOARD NOTE: These methods are used for additional State requirements.

m) Copper:

1) ASTM D 1688;

2) Standard Methods:

A) Methods 303 A or B;

B) Method 304; or,

C) Method 313 B.

BOARD NOTE: These methods are used for additional State requirements.

n) Zinc:

1) ASTM D 1691;

2) Standard Methods:

A) Methods 303 A or B;

B) Method 304; or,

C) Method 328 C.

BOARD NOTE: These methods are used for additional State requirements.

o) Cyanide:

1) ASTM D 2036;

2) Standard Methods: Methods 412 B, C, D or F.

BOARD NOTE: These methods are used for additional State requirements.

Section 611.607 Fluoride Monitoring

In addition to complying with Section 611.601 through 611.606, PWSs monitoring for fluoride shall comply with the requirements of this Section.

a) Sampling points.

1) Where the PWS draws water from one source, the PWS shall take one sample at the entry point to the distribution system.

2) Where the PWS draws water from more than one source, the PWS shall sample each source at the entry points to the distribution system.

3) If the PWS draws water from more than one source and sources are combined before distribution, the PWS shall sample at an entry point to the distribution system during periods representative of the maximum fluoride levels occurring under normal operating conditions.

b) The Agency shall, by permit condition, alter the frequencies for fluoride monitoring as set out in Section 611.601(a) to increase or decrease such frequency considering the following factors:

1) Reported concentrations from previously required monitoring,

2) The degree of variation in reported concentrations and,

3) Other factors which affect fluoride concentrations such as changes in pumping rates in groundwater supplies or significant changes in the PWS's configuration, operating procedures, source of water and changes in stream flows.

c) Monitoring shall be decreased from the frequencies specified in Section 611.601(a) upon application by the PWS if the Agency determines that the PWS is unlikely to exceed the MCL, considering

the factors listed in subsection (b). Such determination must be by permit condition. In no case shall monitoring be reduced to less than one sample every 10 years. For PWSs monitoring once every 10 years, the Agency shall review the monitoring results every ten years to determine whether more frequent monitoring is necessary.

d) Analyses for fluoride under this Section may only be used for determining compliance if conducted by laboratories that have analyzed performance evaluation samples to within +/-10% of the reference value at fluoride concentrations from 1.0 mg/L to 10.0 mg/L, within the last 12 months.

e) Compliance with the MCL must be determined based on each sampling point. If any sampling point is determined to be out of compliance, the PWS is deemed to be out of compliance.

BOARD NOTE: Derived from 40 CFR 141.23(g) (1987), as amended at 53 Fed. Reg. 5146, February 19, 1988.

Section 611.610 Special Monitoring for Sodium

a) CWSs shall collect and analyze one sample per plant at the entry point of the distribution system for the determination of sodium concentration levels; samples must be collected and analyzed annually for CWSs utilizing surface water sources in whole or in part, and at least every three years for CWSs utilizing solely groundwater sources. The minimum number of samples required to be taken by the CWS is based on the number of treatment plants used by the CWS, except that multiple wells drawing raw water from a single aquifer may, with the Agency approval, be considered one treatment plant for determining the minimum number of samples. The Agency shall require the CWS to collect and analyze water samples for sodium more frequently in locations where the sodium content is variable.

b) The CWS shall report to the Agency the results of the analyses for sodium within the first 10 days of the month following the month in which the sample results were received or within the first 10 days following the end of the required monitoring period as specified by permit condition, whichever of these is first. If more than annual sampling is required the supplier shall report the average sodium concentration within 10 days of the month following the month in which the analytical results of the last sample used for the annual average was received.

c) The CWS shall notify the Agency and appropriate local public health officials of the sodium levels by written notice by direct mail within three months. A copy of each notice required to be provided by this subsection must be sent to the Agency within 10 days of its

issuance.

d) Analyses for sodium must be performed by the following methods, incorporated by reference in Section 611.102:

1) Standard Methods, Method 325B, flame photometric method;

2) Inorganic Methods:

A) Method 273.1, Atomic Absorption - Direct Aspiration; or

B) Method 273.2, Atomic Absorption - Graphite Furnace; or

3) ASTM Method D1428.

BOARD NOTE: Derived from 40 CFR 141.41 (1987).

Section 611.621 Corrosivity Characteristics

a) CWSs shall collect samples from a representative entry point to the water distribution system for the purpose of analysis to determine the corrosivity characteristics of the water.

1) The CWS shall collect two samples per plant for analysis for each plant using surface water sources wholly or in part: one during mid-winter and one during mid-summer. The CWS shall collect one sample per plant for analysis for each plant using groundwater sources. The minimum number of samples required to be taken by the CWS must be based on the number of treatment plants used by the CWS, except that multiple wells drawing raw water from a single aquifer are, if authorized by permit condition, considered one treatment plant for determining the minimum number of samples.

2) Determination of the corrosivity characteristics of the water must include measurement of pH, calcium hardness, alkalinity, temperature, total dissolved solids (total filterable residue) and calculation of the Langelier Index in accordance with Section 611.623.

A) The determination of corrosivity characteristics must be based on one round of sampling (two samples per plant for surface water and one sample per plant for groundwater sources).

B) If approved by permit condition, the CWS may use the Aggressive Index, as described in Section 611.623, instead of the Langelier Index.

b) The CWS shall report to the Agency the results of the analyses for the corrosivity characteristics within the first 10 days of the month following the month in which the sample results were received. If more frequent sampling is required by permit condition, the CWS may accumulate the data and shall report each value within 10 days of the month following the month in which the analytical results of the last sample was received.

BOARD NOTE: Derived from 40 CFR 141.42(a) and (b), (1987).

Section 611.623 Analytical Methods for Corrosivity

Analyses conducted to determine the corrosivity of the water must be made in accordance to the following methods, incorporated by reference in Section 611.102:

a) Langelier Index: Standard Methods, Method 203.

b) Aggressive Index: AWWA C400-77, Revision of C400-75.

c) Total Filtrable Residue:

1) Standard Methods, Method 208B; or

2) Inorganic Methods, Method 160.1.

d) Temperature: Standard Methods, Method 212.

e) Calcium:

1) Standard Methods, Method 306C, EDTA titrimetric method; or

2) ASTM Method D 1126; or

3) Inorganic Methods, Method 215.2.

f) Alkalinity:

1) Standard Methods, Method 403, Methyl Orange end point pH 4.5; or

2) ASTM Method D 1067; or

3) Inorganic Methods, Method 310.1.

g) pH:

1) Standard Methods, Method 424; or

2) Inorganic Methods, Method 150.1; or

3) ASTM Method D 1293.

h) Chloride: Standard Methods, Method 407C, Potentiometric Method

i) Sulfate:

1) Inorganic Methods, Turbidimetric Method; or

2) Standard Methods, Methods 426A through 426D.

BOARD NOTE: Derived from 40 CFR 141.42(c) (1987).

Section 611.624 Construction Material Identification

CWSs shall identify whether the following construction materials are present in their distribution system and report to the Agency:

a) Lead from piping, solder, caulking, interior lining of distribution mains,

b) Alloys and home plumbing.

c) Copper from piping and alloys, service lines and home plumbing.

d) Galvanized piping, service lines and home plumbing.

e) Ferrous piping materials such as cast iron and steel.

f) Asbestos cement pipe.

BOARD NOTE: Derived from 40 CFR 141.42(d), (1987).

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.641 Sampling and Analytical Requirements

a) An analysis of substances for the purpose of determining compliance with Section 611.310(a) and (b) must be made as follows:

1) The Agency shall, by permit condition, require CWSs utilizing surface water sources to collect samples during the period of the year when contamination by pesticides is most likely to occur. The Agency shall require the CWS to repeat these analyses at least annually.

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BOARD NOTE: This applies also to additional State requirements.

2) The Agency shall, by permit condition, require CWSs utilizing only groundwater sources to collect samples at least once every three years.

BOARD NOTE: This applies also to additional State requirements.

b) If the result of an analysis made pursuant to subsection (a) indicates that the level of any contaminant listed in Section 611.310 (a) and (b) exceeds the MCL, the CWS shall report to the Agency within 7 days and initiate three additional analyses within one month.

c) When the average of four analyses made pursuant to subsection (b), rounded to the same number of significant figures as the MCL for the substance in question, exceeds the MCL, the CWS shall report to the Agency and give notice to the public pursuant to Subpart T. Monitoring after public notification must be at a frequency designated by the Agency and must continue until the MCL has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

BOARD NOTE: Derived from 40 CFR 141.24(a) through (d) (1987), as amended at 53 Fed. Reg. 5146, February 19, 1988.

Section 611.645 Analytical Methods

a) Analysis made to determine compliance with Section 611.310(a) must be made in accordance with the following methods, incorporated by reference in Section 611.102, or alternative methods approved pursuant to Section 611.480:

1) Pesticide Methods; or

2) ASTM Method D 3086; or

3) Standard Methods, Method 509A; or

4) USGS Methods, Book 5, Chapter A-3, pp. 24-39; or

5) SPE Test Method, SPE 500.

b) Analysis made to determine compliance with Section 611.310(b) must be conducted in accordance with:

1) Pesticide Methods; or

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2) ASTM Method D 3478; or

3) Standard Methods, Method 509B; or

4) USGS Method, Book 5, Chapter A-3, pp. 24-39.

BOARD NOTE: Derived from 40 CFR 141.24(e,f) (1987), as amended at 53 Fed. Reg. 5146, February 19, 1988.

Section 611.648 Sampling for Revised MCLs

Analysis of the contaminants listed in Section 611.340(a) for purposes of determining compliance with the MCLs must be conducted as follows:

a) CWSs using groundwater sources shall sample at points of entry to the distribution system representative of each well after any application of treatment. Sampling must be conducted at the same location(s) or more representative location(s) every three months for one year except as provided in subsection (h)(1).

b) CWSs using surface water shall sample at points in the distribution system representative of each source or at entry points to the distribution system after any application of treatment. Surface water systems must sample each source every three months except as provided in subsection (h)(2). Sampling must be conducted at the same location or a more representative location each quarter.

c) If the CWS draws water from more than one source and sources are combined before distribution, the CWS shall sample at an entry point to the distribution system during periods of normal operating conditions.

d) Time for sampling.

1) All CWSs and NTNCWSs serving more than 3,300 people shall analyze all distribution or entry-point samples, as appropriate, representing all source waters.

2) All other CWSs and NTNCWSs shall analyze distribution or entry-point samples, as required in this paragraph, representing all source waters beginning no later than January 1, 1991.

e) If the results exceed the MCL, the CWS shall initiate three additional analyses at the same sampling point within one month. The sample results must be averaged with the first sampling result and used for compliance determination in accordance with subsection (i). The Agency shall delete results of obvious sampling errors from

this calculation.

f) Analysis for vinyl chloride is required only for groundwater systems that have detected one or more of the following two-carbon organic compounds: Trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene or 1,1-dichloroethylene. The analysis for vinyl chloride is required at each distribution or entry point at which one or more of the two-carbon organic compounds were found. If the first analysis does not detect vinyl chloride, the Agency shall reduce the frequency of vinyl chloride monitoring to once every three years for that sample location or other sample locations which are more representative of the same source.

g) The Agency or CWSs may composite up to five samples from one or more CWSs. Compositing of samples is to be done in the laboratory by the procedures listed below. Samples must be analyzed within fourteen days of collection. If any organic contaminant listed in Section 611.340 is detected in the original composite sample, a sample from each source that made up the composite sample must be reanalyzed individually within fourteen days from sampling. The sample for reanalysis cannot be the original sample but can be a duplicate sample. If duplicates of the original samples are not available, new samples must be taken from each source used in the original composite and analyzed for organic contaminants. Reanalysis must be accomplished within fourteen days of the second sample. To composite samples, the following procedure must be followed:

1) Compositing samples prior to GC analysis.

A) Add 5 ml or equal larger amounts of each sample (up to 5 samples are allowed) to a 25 ml glass syringe. Special precautions must be made to maintain zero headspace in the syringe.

B) The samples must be cooled at 4 degrees C during this step to minimize volatilization losses.

C) Mix well and draw out a 5-ml aliquot for analysis.

D) Follow sample introduction, purging and desorption steps described in the method.

E) If less than five samples are used for compositing, a proportionately smaller syringe may be used.

1) Compositing samples prior to GC/MS analysis.

A) Inject 5-ml or equal larger amounts of each aqueous sample (up to 5 samples are allowed) into a 25-ml purging device using the sample introduciton technique described in the method.

B) The total volume of the sample in the purging device must be 25 ml.

C) Purge and desorb as described in the method.

h) The Agency shall, by permit condition, reduce the monitoring frequency specified in subsections (a) and (b) as follows:

1) The monitoring frequency for groundwater systems is as follows:

A) When organic contaminants are not detected in the first sample (or any subsequent samples that may be taken and the CWS is not vulnerable as defined in subsection (h)(4), monitoring may be reduced to one sample and must be repeated every 5 years.

B) When organic contaminants are not detected in the first sample (or any subsequent sample that may be taken) and the CWS is vulnerable as defined in subsection (h)(4):

i) Monitoring one sample must be repeated every 3 years for CWSs with more than 500 connections.

ii) Monitoring one sample must be repeated every 5 years for CWSs with less than 500 connections.

C) If organic contaminants are detected in the first sample (or any subsequent sample that may be taken) regardless of vulnerability, monitoring must be repeated every 3 months, as required under subsection (a).

2) The repeat monitoring frequency for surface water systems is as follows:

A) When organic contaminants are not detected in the first year of quarterly sampling (or any other subsequent sample that may be taken) and the CWS is not vulnerable as defined in subsection (h)(4), additional monitoring is not required.

B) When organic contaminants are not detected in the first year of quarterly sampling (or any other subsequent sample that may be taken) and the CWS is vulnerable as defined in

subsection (h)(4):

i) Monitoring must be repeated every three years (for CWSs with more than 500 connections).

ii) Monitoring must be repeated every five years (for CWSs with less than 500 connections).

C) When organic contaminants are detected in the first year of quarterly sampling (or any other subsequent sample that may be taken), regardless of vulnerability, monitoring must be repeated every 3 months, as required under subsection (b).

3) The Agency shall, by permit condition, reduce the frequency of monitoring to once per year for a groundwater system or surface water system detecting organic contaminants at levels consistently less than the MCL for three consecutive years.

4) Vulnerability of each CWS must be determined by the Agency based upon an assessment of the following factors:

A) Previous monitoring results.

B) Number of persons served by CWS.

C) Proximity of a smaller CWS to a larger CWS.

D) Proximity to commercial or industrial use, disposal or storage of the organic chemicals listed in Section 611.340.

E) Protection of the water source.

5) A CWS is deemed to be vulnerable for a period of three years after any positive measurement of one or more contaminants listed in Sections 611.650(e), 611.657(d) or 611.340(a), except for THMs or other demonstrated disinfection by-products.

i) Compliance with Section 611.340(a) is determined based on the results of running annual average of quarterly sampling for each sampling location. If one location's average is greater than the MCL, then the CWS is deemed to be out of compliance. If a CWS has a distribution system separable from other parts of the distribution system with no interconnections, only that part of the system that exceeds any MCL as specified in Section 611.340(a) is deemed out of compliance. The Agency shall reduce the public notice requirement to that portion of the CWS which is out of compliance. If any one sample result would cause the annual average to be exceeded, then the CWS is deemed to be out of compliance immediately. For CWSs that

only take one sample per location because no organic contaminants were detected, compliance is based on that one sample.

j) Analysis under this Section must be conducted using the following methods or alternatives approved pursuant to Section 611.480. These methods are contained in Organic Methods, incorporated by reference in Section 611.102:

1) Method 502.1.

2) Method 503.1.

3) Method 524.1.

4) Method 524.2.

5) Method 502.2.

k) Analysis under this Section must only be conducted by laboratories that have received conditional approval by the Agency, pursuant to Section 611.490, according to the following conditions:

1) To receive conditional approval to conduct analyses for benzene, vinyl chloride, carbon tetrachloride, 1,2-dichloroethane, trichloroethylene, 1,1-dichloroethylene, 1,1,1-trichloroethane and paradichlorobenzene the laboratory shall:

A) Analyze performance evaluation samples which include these substances provided by the Agency.

B) Achieve the quantitative acceptance limits under subsection (k)(1)(C) or (D) for at least six of the seven subject organic chemicals.

C) Achieve quantitative results on the analyses performed under subsection (k)(1)(A) that are within +/- 20 percent of the actual amount of the substances in the performance evaluation sample when the actual amount is greater than or equal to 0.010 mg/L.

D) Achieve quantitative results on the analyses performed under subsection (k)(1)(A) that are within +/- 40 percent of the actual amount of the substances in the performance evaluation sample when the actual amount is less than 0.010 mg/L.

E) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, App. B, incorporated by

reference in Section 611.102

F) Be currently approved by the Agency for the analyses of THMs under Subpart P.

2) To receive conditional approval for vinyl chloride, the laboratory shall:

A) Analyze performance evaluation samples provided by the Agency.

B) Achieve quantitative results on the analyses performed under subsection (k)(2)(A) that are within +/- 40 percent of the actual amount of vinyl chloride in the performance evaluation sample.

C) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, App. B, incorporated by reference in Section 611.102.

D) Receive approval or be currently approved by the Agency under subsection (k)(1).

m) The Agency shall, by permit condition, increase required monitoring where necessary to detect variations within the CWS.

o) Each approved laboratory shall determine the method detection limit (MDL), as defined in 40 CFR 136, App. B, incorporated by reference in Section 611.102, at which it is capable of detecting organic contaminants. The acceptable MDL is 0.0005 mg/L. This concentration is the detection level for purposes of subsections (e), (f), (g) and (h).

BOARD NOTE: Derived from 40 CFR 141.24(g) (1987), as amended at 52 Fed. Reg. 25712 July 8, 1987, and 53 Fed. Reg. 25109, July 1, 1988.

Section 611.650 Special Monitoring

a) All CWSs and NTNCWSs shall monitor for the contaminants listed in subsection (e) by the following dates:

1) Less than 3300 persons served: monitoring to begin no later than January 1, 1991.

2) All others: immediately.

b) Surface water systems shall sample at points in the distribution system representative of each water source or at entry points to the

distribution system after any applicaiton of treatment. The minimum number of samples is one year of quarterly samples per water source.

c) Groundwater systems shall sample at points of entry to the distribution system representative of each well after any application of treatment. The minimum number of samples is one sample per entry point to the distribution system.

e) CWSs and NTNCWS shall monitor for the following contaminants except as provided in subsection (f):

1) Chloroform

2) Bromodichloromethane

3) Chlorodibromomethane

4) Bromoform

5) trans-1,2-Dichloroethylene

6) Chlorobenzene

7) m-Dichlorobenzene

8) Dichloromethane

9) cis-1,2-Dichloroethylene

10) o-Dichlorobenzene

11) Dibromomethane

12) 1,1-Dichloropropene

13) Tetrachloroethylene

14) Toluene

15) p-Xylene

16) o-Xylene

17) m-Xylene

18) 1,1-Dichloroethane

19) 1,2-Dichloropropane

20) 1,1,2,2-Tetrachloroethane

21) Ethylbenzene

22) 1,3-Dichloropropane

23) Styrene

24) Chloromethane

25) Bromomethane

26) 1,2,3-Trichloropropane

27) 1,1,1,2-Tetrachloroethane

28) Chloroethane

29) 1,1,2-Trichloroethane

30) 2,2-Dichloropropane

31) o-Chlorotoluene

32) p-Chlorotoluene

33) Bromobenzene

34) 1,3-Dichloropropene

35) Ethylene dibromide (EDB)

36) 1,2-Dibromo-3-chloropropane (DBCP)

f) CWSs and NTNCWS shall monitor for EDB and DBCP only if the Agency determines they are vulnerable to contamination by either or both of these substances. For the purpose of this subsection, a "vulnerable system" is defined as a system which is potentially contaminated by EDB and DBCP, including surface water systems where these two compounds are applied, manufactured, stored, disposed of or shipped upstream, and for groundwater systems in areas where the compounds are applied, manufactured, stored, disposed of or shipped in the groundwater recharge basin, or for groundwater systems that are in proximity to underground storage tanks that contain leaded gasoline.

BOARD NOTE: Derived from 40 CFR 141.40(a) through (f) (1987), as amended at 52 Fed. Reg. 25712, July 8, 1987, and at 53 Fed. Reg.

25109, July 1, 1988.

Section 611.657 Analytical Methods for Special Monitoring

a) Analysis under Section 611.650 must be conducted using the following methods found in Organic Methods, incorporated by reference in Section 611.102:

1) Method 502.1;

2) Method 503.1;

3) Method 524.1;

4) Method 524.2;

5) Method 502.2; or

6) Method 504.

b) Analysis under this Section must only be conducted by laboratories approved under Section 611.648(k). In addition to the requirements of that Section, each laboratory analyzing for EDB and DBCP shall achieve a method detection limit for EDB and DBCP of 0.00002 mg/L, according to the procedures in 40 CFR 136, App. B, incorporated by reference in Section 611.102.

c) PWSs may use monitoring data collected any time after January 1, 1983 to meet the requirements for unregulated monitoring, provided that the monitoring program was consistent with the requirements of this Section. In addition, the results of a groundwater supply survey may be used in a similar manner for PWSs supplied by a single well.

e) Instead of performing the monitoring required by this Section, a CWS or NTNCWS serving fewer than 150 service connections may send a letter to the Agency stating that the PWS is available for sampling. This letter must be sent to the Agency no later than January 1, 1991. The PWS shall not send such samples to the Agency, unless requested to do so by the Agency.

f) All CWSs and NTNCWSs shall repeat the monitoring required in Section 611.650 no less frequently than every five years from the dates specified in Section 611.650(a).

g) Agencys or PWSs may composite up to five samples when monitoring for substances in Section 611.650(e).

BOARD NOTE: Derived from 40 CFR 141.40(g-m) (1987), as amended at 52

Fed. Reg. 25712, July 8, 1987, and at 53 Fed. Reg. 25109, July 1, 1988.

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.680 Sampling, Analytical and other Requirements

a) Required monitoring.

1) CWSs which serve a population of 10,000 or more individuals and which add a disinfectant (oxidant) to the water in any part of the drinking water treatment process shall analyze for TTHMs in accordance with this Section.

2) For the purpose of this Section, the minimum number of samples required to be taken by the system must be based on the number of treatment plants used by the system. However, the Agency shall, by permit condition, provide that multiple wells drawing raw water from a single aquifer be considered one treatment plant for determining the minimum number of samples.

3) All samples taken within an established frequency must be collected within a 24-hour period.

b) Surface water sources.

1) For all CWSs utilizing surface water sources in whole or in part, and for all CWSs utilizing only groundwater sources, except as provided in Section 611.683, analyses for TTHMs must be performed at quarterly intervals on at least four water samples for each treatment plant used by the system. At least 25 percent of the samples must be taken at locations within the distribution system reflecting the maximum residence time of the water in the system. The remaining 75 percent must be taken at representative locations in the distribution system, taking into account number of persons served, different sources of water and different treatment methods employed. The results of all analyses per quarter must be arithmetically averaged and reported to the Agency within 30 days of the CWS's receipt of such results. All samples collected must be used in the computation of the average, unless the analytical results are invalidated for technical reasons. Sampling and analyses must be conducted in accordance with the methods listed in Section 611.685.

2) Upon application by a CWS, the Agency shall, by permit condition, reduce the monitoring frequency required by subsection (b)(1) to a minimum of one sample analyzed for TTHMs

per quarter taken at a point in the distribution system reflecting the maximum residence time of the water in the system, if the Agency determines that the data from at least 1 year of monitoring in accordance with subsection (b)(1) and local conditions demonstrate that TTHM concentrations will be consistently below the MCL.

3) If at any time during which the reduced monitoring frequency prescribed under this subsection applies, the results from any analysis exceed 0.10 mg/L TTHMs and such results are confirmed by at least one check sample taken promptly after such results are received, or if the CWS makes any significant change to its source of water or treatment program, the CWS shall immediately begin monitoring in accordance with the requirements of subsection (b)(1), which monitoring must continue for at least 1 year before the frequency may be reduced again. The Agency shall, by permit condition, require monitoring in excess of the minimum frequency where it is necessary to detect variations of TTHM levels within the distribution system.

BOARD NOTE: Derived from 40 CFR 141.30(a,b) (1987).

Section 611.683 Reduced Monitoring Frequency

a) A CWS utilizing only groundwater sources may, by permit application, seek to have the monitoring frequency required by Section 611.681(b)(1) reduced to a minimum of one sample for maximum TTHM potential per year for each treatment plant used by the CWS, taken at a point in the distribution system reflecting maximum residence time of the water in the system.

1) The CWS shall submit to the Agency the results of at least one sample analyzed for maximum TTHM potential for each treatment plant used by the CWS, taken at a point in the distribution system reflecting the maximum residence time of the water in the system.

2) The Agency shall reduce the CWS's monitoring frequency if it determines that, based upon the data submitted by the CWS, the CWS has a maximum TTHM potential of less than 0.10 mg/L and that, based upon an assessment of the local conditions of the CWS, the CWS is not likely to approach or exceed the MCL for TTHMs.

3) The results of all analyses must be reported to the Agency within 30 days of the CWS's receipt of such results.

4) All samples collected must be used for determining whether the

CWS complies with the monitoring requirements of Section 611.681(b), unless the analytical results are invalidated for technical reasons.

5) Sampling and analyses must be conducted in accordance with the methods listed in Section 611.685.

b) Loss or modification of reduced monitoring frequency.

1) If the results from any analysis taken by the CWS for maximum TTHM potential are equal to or greater than 0.10 mg/L, and such results are confirmed by at least one check sample taken promptly after such results are received, the CWS shall immediately begin monitoring in accordance with the requirements of Section 611.681(b), and such monitoring must continue for at least one year before the frequency may be reduced again.

2) In the event of any significant change to the CWS's raw water or treatment program, the CWS shall immediately analyze an additional sample for maximum TTHM potential taken at a point in the distribution system reflecting maximum residence time of the water in the system.

3) The Agency shall require increased monitoring frequencies above the minimum where necessary to detect variation of TTHM levels within the distribution system.

BOARD NOTE: Derived from 40 CFR 141.30 (c) (1987).

Section 611.684 Averaging

Compliance with Section 611.310(c) is determined based on a running annual average of quarterly samples collected by the CWS as prescribed in Section 611.681(b)(1) or (2). If the average of samples covering any 12 month period exceeds the MCL, the CWS shall report to the Agency and notify the public pursuant to Subpart T. Monitoring after public notification must be at a frequency designated by the Agency and must continue until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

BOARD NOTE: Derived from 40 CFR 141.30(d) (1987).

Section 611.685 Analytical Methods

Sampling and analyses made pursuant to this Subpart must be conducted by one of the following methods, incorporated by reference in Section 611.102:

a) "The Analysis of Trihalomethanes in Drinking Waters by the Purge and

Trap Method," Method 501.1.

b) "The Analysis of Trihalomethanes in Drinking Water by Liquid/Liquid Extraction," Method 501.2. Samples for TTHM must be dechlorinated upon collection to prevent further production of Trihalomethanes, according to the procedures described in the above two methods. Samples for maximum TTHM potential must not be dechlorinated, and must be held for seven days at 25 degrees C (or above) prior to analysis, according to the procedures described in the above two methods.

BOARD NOTE: Derived from 40 CFR 141.30(e) (1987).

Section 611.686 Modification to System

Before a CWS makes any significant modifications to its existing treatment process for the purposes of achieving compliance with Section 611.310(c), the CWS shall submit, by way of permit application, a detailed plan setting forth its proposed modification and those safeguards that it will implement to ensure that the bacteriological quality of the drinking water served by the CWS will not be adversely affected by such modification. Upon approval, the plan will become a permit condition. At a minimum, the plan must require the CWS modifying its disinfection practice to:

a) Evaluate the water system for sanitary defects and evaluate the source water for biological quality;

b) Evaluate its existing treatment practices and consider improvements that will minimize disinfectant demand and optimize finished water quality throughout the distribution system;

c) Provide baseline water quality survey data of the distribution system. Such data should include the results from monitoring for coliform and fecal coliform bacteria, fecal streptococci, standard plate counts at 35 degrees C and 20 degrees C, phosphate, ammonia nitrogen and total organic carbon. Virus studies are required where source waters are heavily contaminated with sewage effluent;

d) Conduct additional monitoring to assure continued maintenance of optimal biological quality in finished water, for example, when chloramines are introduced as disinfectants or when pre-chlorination is being discontinued. Additional monitoring should also be required by the Agency for chlorate, chlorite and chlorine dioxide when chlorine dioxide is used. Standard plate count analyses should also be required by the Agency as appropriate before and after any modifications;

e) Consider inclusion in the plan of provisions to maintain an active

RDC throughout the distribution system at all times during and after the modification.

BOARD NOTE: Derived from 40 CFR 141.30(f) (1987).

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.720 Analytical Methods

a) The methods specified below, incorporated by reference in Section 611.102, are to be used to determine compliance with Sections 611.330 and 611.331, except in cases where alternative methods have been approved in accordance with Section 611.480.

1) Radiochemical Methods;

2) Standard Methods:

A) Gross Alpha and Beta: Method 302;

B) Total Radium: Method 304;

C) Radium-226: Method 305;

D) Strontium-89,90: Method 303;

E) Tritium: Method 306;

3) ASTM Methods:

A) Cesium-134: ASTM D-2459;

B) Uranium: ASTM D-2907.

b) When the identification and measurement of radionuclides other than those listed in subsection (a) is required, the following methods, incorporated by reference in Section 611.102, are to be used, except in cases where alternative methods have been approved in accordance with Section 611.480:

1) "Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", available from USEPA.

2) HASL Procedure Manual, HASL 300, available from ERDA Health and Safety Laboratory.

c) For the purpose of monitoring radioactivity concentrations in drinking water, the required sensitivity of the radioanalysis is

defined in terms of a detection limit. The detection limit must be that concentration which can be counted with a precision of plus or minus 100 percent at the 95 percent confidence level (1.96 delta where delta is the standard deviation of the net counting rate of the sample).

1) To determine compliance with Section 611.330(a) the detection limit must not exceed 1 pCi/L. To determine compliance with Section 611.330(b) the detection limit must not exceed 3 pCi/L.

2) To determine compliance with Section 611.331 the detection limits must not exceed the concentrations listed in that Section.

d) To judge compliance with the MCLs listed in Sections 611.330 and 611.331, averages of data must be used and must be rounded to the same number of significant figures as the MCL for the substance in question.

BOARD NOTE: Derived from 40 CFR 141.25 (1987).

Section 611.731 Gross Alpha

Monitoring requirements for gross alpha particle activity, radium-226 and radium-228 are as follows:

a) Compliance must be based on the analysis of an annual composite of four consecutive quarterly samples or the average of the analyses of four samples obtained at quarterly intervals.

1) A gross alpha particle activity measurement may be substituted for the required radium-226 and radium-228 analysis; provided, that, the measured gross alpha particle activity does not exceed 5 pCi/L at a confidence level of 95 percent (1.65 delta where delta is the standard deviation of the net counting rate of the sample). In localities where radium-228 may be present in drinking water, the Agency may, by permit condition, require radium-226 or radium-228 analyses when the gross alpha particle activity exceeds 2 pCi/L.

2) When the gross alpha particle activity exceeds 5 pCi/L, the same or an equivalent sample must be analyzed for radium-226. If the concentration of radium-226 exceeds 3 pCi/L the same or an equivalent sample must be analyzed for radium-228.

c) CWS's shall monitor at least once every four years following the procedure required by subsection (a). When an annual record taken in conformance with subsection (a) has established that the average

annual concentration is less than half the MCLs established by Section 611.330, the Agency shall, by permit condition, substitute analysis of a single sample for the quarterly sampling procedure required by subsection (a).

1) The Agency shall, by permit condition, require more frequent monitoring in the vicinity of mining or other operations which may contribute alpha particle radioactivity to either surface or groundwater sources of drinking water.

2) A CWS shall monitor in conformance with subsection (a) for one year after the introduction of a new water source. The Agency shall, by permit condition, require more frequent monitoring in the event of possible contamination or when changes in the distribution system or treatment processing occur which may increase the concentration of radioactivity in finished water.

3) The Agency shall, by permit condition, require a CWS using two or more sources having different concentrations of radioactivity to monitor source water, in addition to water from a free-flowing tap.

4) The Agency shall not require monitoring for radium-228 to determine compliance with Section 611.330 after the initial period; provided, that the average annual concentration of radium-228 has been assayed at least once using the quarterly sampling procedure required by subsection (a).

5) The Agency shall require the CWS to conduct annual monitoring if the radium-226 concentration exceeds 3 pCi/L.

d) If the average annual MCL for gross alpha particle activity or total radium as set forth in Section 611.330 is exceeded, the CWS shall give notice to the Agency and notify the public as required by Subpart T. Monitoring at quarterly intervals must be continued until the annual average concentration no longer exceeds the MCL or until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

BOARD NOTE: Derived from 40 CFR 141.26(a) (1987).

Section 611.732 Manmade Radioactivity

Monitoring requirements for manmade radioactivity in CWSs are as follows:

a) CWSs using surface water sources and serving more than 100,000 persons and such other CWSs as the Agency by permit condition requires must monitor for compliance with Section 611.331 by analysis

of a composite of four consecutive quarterly samples or analysis of four quarterly samples. Compliance with Section 611.331 is assumed without further analysis if the average annual concentration of gross beta particle activity is less than 50 pCi/L and if the average annual concentrations of tritium and strontium-90 are less than those listed in Section 611.331; provided, that if both radionuclides are present the sum of their annual does equivalents to bone marrow must not exceed 4 millirem/year.

1) If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses must be calculated to determine compliance with Section 611.331.

2) If the MCLs are exceeded, the Agency shall require the CWS to conduct additional monitoring to determine the concentration of man-made radioactivity in principal watersheds.

3) The Agency may, by permit condition, require suppliers of water utilizing only groundwater to monitor for man-made radioactivity.

c) CWSs shall monitor at least every four years following the procedure in subsection (a).

d) The Agency shall, by permit condition, require any CWS utilizing waters contaminated by effluents from nuclear facilities to initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium.

1) Quarterly monitoring for gross beta particle activity must be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. If the gross beta particle activity in a sample exceeds 15 pCi/L, the same or an equivalent sample must be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample must be performed to identify the major radioactive constitutents present and the appropriate organ and total body doses must be calculated to determine compliance with Section 611.331.

2) For iodine-131, a composite of five consecutive daily samples must be analyzed once each quarter. The Agency shall, by permit condition, require more frequent monitoring when iodine-131 is identified in the finished water.

3) The Agency shall, by permit condition, require annual monitoring

for strontium-90 and tritium by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.

4) The Agency shall, by permit condition, allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of manmade radioactivity by the CWS where the Agency determines such data is applicable to the CWS.

e) If the average annual MCL for man-made radioactivity set forth in Section 611.331 is exceeded, the operator of a CWS shall give notice to the Agency and to the public as required by Subpart T. Monitoring at monthly intervals must be continued until the concentration no longer exceeds the MCL or until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

BOARD NOTE: Derived from 40 CFR 141.26(b) (1987).

SUBPART T: REPORTING, PUBLIC NOTIFICATION AND RECORDKEEPING

Section 611.830 Applicability

Except as otherwise provided, this Subpart applies to violations of both identical in substance regulations and additional State requirements.

Section 611.831 Monthly Operating Report

Within 30 days following the last day of the month, each PWS shall submit a monthly operating report to the Agency, on forms provided or approved by the Agency.

BOARD NOTE: This is an additional State requirement.

Section 611.832 Notice by Agency

The Agency may give the public notices required in this Part on behalf of the PWS. However, the PWS remains responsible for ensuring that the requirements of this Part are met.

BOARD NOTE: Drawn from 40 CFR 141.32(g) and 141.34(a)(1) (1987), as amended at 52 Fed. Reg. 41546, October 28, 1987.

Section 611.833 Cross Connection Reporting

Each CWS exempted pursuant to Section 17(b) of the Act from the disinfection requirement shall report monthly to the Agency its activity to educate and

inform its customers about preventing contamination into the distribution system.

BOARD NOTE: This is an additional State requirement.

Section 611.840 Reporting

a) Except where a shorter period is specified in this Part, a PWS shall report to the Agency the results of any test measurement or analysis required by this Part within the following times, whichever is shortest:

1) The first ten days following the month in which the result is received; or

2) The first ten days following the end of the required monitoring period, as specified by permit condition.

b) Except where a different reporting period is specified in this Part, the PWS shall report to the Agency within 48 hours: The failure to comply with any provision (including failure to comply with monitoring requirements) in this Part.

c) The PWS is not required to report analytical results to the Agency in cases where an Agency laboratory performs the analysis.

d) The PWS, within ten days of completion of each public notification required pursuant to Section 611.851 et seq., shall submit to the Agency a representative copy of each type of notice distributed, published, posted or made available to the persons served by the PWS or to the media.

e) The PWS shall submit to the Agency within the time stated in the request copies of any records required to be maintained under Section 611.860 or copies of any documents then in existence which the Agency is entitled to inspect pursuant to the authority of Section 4 of the Act.

BOARD NOTE: Derived from 40 CFR 141.31 (1987), as amended at 54 Fed. Reg. 27562, June 29, 1989.

Section 611.851 Reporting MCL and other Violations

A PWS which fails to comply with an applicable MCL or treatment technique established by this Part or which fails to comply with the requirements of any schedule prescribed pursuant to a variance or adjusted standard shall notify persons served by the PWS as follows:

a) Except as provided in subsection (c), the PWS shall give notice:

1) By publication in a daily newspaper of general circulation in the area served by the PWS as soon as possible, but in no case later than 14 days after the violation or failure. If the area served by a PWS is not served by a daily newspaper of general circulation, notice must instead be given by publication in a weekly newspaper of general circulation serving the area; and

2) By mail delivery (by direct mail or with the water bill), or by hand delivery, not later than 45 days after the violation or failure. This is not required if the Agency determines that the PWS in violation has corrected the violation or failure within the 45-day period; and

3) For violations of the MCLs of contaminants that pose an acute risk to human health, by furnishing a copy of the notice to the radio and television stations serving the area served by the PWS as soon as possible but in no case later than 72 hours after the violation. The following violations are acute violations:

A) Any violations posing an acute risk to human health, as specified in this Part or as determined by the Agency on a case-by-case basis.

B) Violation of the MCL for nitrate in Section 611.300(b).

C) Violation of the MCL for total coliforms, when fecal coliforms or E. coli are present in the water distribution system, as specified in Section 611.360(b).

4) Occurrence of a waterborne disease outbreak, as defined in Section 611.101, in an unfiltered system subject to the requirements of Subpart B, after December 30, 1991 (see Section 611.132(d).

b) Except as provided in subsection (c), following the initial notice given under subsection (a), the PWS shall give notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation or failure exists.

c) Alternative methods of notice.

1) In lieu of the requirements of subsections (a) and (b), a CWS in an area that is not served by a daily or weekly newspaper of general circulation shall give notice by hand delivery or by continuous posting in conspicuous places within the area served

by the CWS. Notice by hand delivery or posting must begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in subsection (a)(3)) or 14 days after the violation or failure (for any other violation). Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as the violation or failure exists.

2) In lieu of the requirements of subsections (a) and (b), a non-CWS may give notice by hand delivery or by continuous posting in conspicuous places within the area served by the CWS. Notice by hand delivery or posting must begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in subsection (a)(3)), or 14 days after the violation or failure (for any other violation). Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as the violation or failure exists.

BOARD NOTE: Derived from 40 CFR 141.32(a) (1987), as amended at 52 Fed. Reg. 41546, October 28, 1987. at 54 Fed Reg. 15188, April 17, 1989, and at 54 Fed. Reg. 27526,June 29, 1989, and at 54 Fed. Reg. 27562,June 29, 1989.

Section 611.852 Reporting other Violations

A PWS which fails to perform monitoring required by this Part, fails to comply with a testing procedure established by this Part, or is subject to a variance or adjusted standard under Section 611.111, 611.112 or 611.113 shall notify persons served by the PWS as follows:

a) Except as provided in subsection (c) or (d), the PWS shall give notice, within three months of the violation or granting of a variance or adjusted standard, by publication in a daily newspaper of general circulation in the area served by the PWS. If the area served by a PWS is not served by a daily newspaper of general circulation, notice must instead be given by publication in a weekly newspaper of general circulation serving the area.

b) Except as provided in subsection (c) or (d), following the initial notice given under subsection (a), the PWS must give notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation exists. Repeat notice of the existence of a variance or adjusted standard must be given every three months for as long as the variance or adjusted standard remains in effect.

c) Alternative methods of notice.

1) In lieu of the requirements of subsections (a) and (b), a CWS in an area that is not served by a daily or weekly newspaper of general circulation shall give notice, within three months of the violation or granting of the variance or adjusted standard, by hand delivery or by continuous posting in conspicuous places with the area served by the CWS. Posting must continue for as long as the violation exists or a variance or adjusted standard remains in effect.

2) In lieu of the requirements of subsections (a) and (b), a non-CWS may give notice, within three months of the violation or the granting of the variance or adjusted standard, by hand delivery or by continuous posting in conspicuous places within the area served by the PWS. Posting must continue for as long as the violation exists, or a variance or adjusted standard remains in effect. Notice by hand delivery must be repeated at least every three months for as long as the violation exists or a variance or adjusted standard remains in effect.

d) The Agency may, by permit condition, provide less frequent notice for minor monitoring violations. Notice of such violations must be given no less frequently than annually.

BOARD NOTE: Derived from 40 CFR 141.32(b) (1987), as amended at 52 Fed. Reg. 41546, October 28, 1987.

Section 611.853 Notice to New Billing Units

A CWS shall give a copy of the most recent public notice for any outstanding violation of any MCL, treatment technique requirement or variance or adjusted standard schedule to all new billing units or new hookups prior to or at the time service begins.

BOARD NOTE: Derived from 40 CFR 141.32(c) (1987), as amended at 52 Fed. Reg. 41546, October 28, 1987.

Section 611.854 General Content of Public Notice

Each notice required by this Section must provide a clear and readily understandable explanation of the violation, any potential adverse health effects, the population at risk, the steps that the PWS is taking to correct such violation, the necessity for seeking alternative water supplies, if any, and any preventive measures the consumer should take until the violation is corrected. Each notice must be conspicuous and must not contain unduly technical language, unduly small print or similar problems that frustrate the purpose of the notice. Each notice must include the telephone number of the

owner, operator or designee of the PWS as a source of additional information concerning the notice. Where appropriate, the notice must be multi-lingual.

BOARD NOTE: Derived from 40 CFR 141.32(d) (1987), as amended at 52 Fed. Reg. 41546, October 28, 1987.

Section 611.855 Mandatory Health Effects Language

When providing the information on potential adverse health effects required by Section 611.853(b) in notices of violations of MCLs or treatment technique requirements, or notices of the granting or the continued existence of adjusted standards or variances, or notices of failure to comply with a variance or adjusted standard schedule, the PWS shall include the language specified in Appendix A for each contaminant. (If language for a particular contaminant is not specified at the time notice is required, this Section does not apply).

BOARD NOTE: Derived from 40 CFR 141.32(e) (1987), as amended at 52 Fed. Reg. 41546, October 28, 1987, and at 54 Fed. Reg. 27526, June 29, 1989, and at 54 Fed. Reg. 27562, June 29, 1988.

Section 611.856 Fluoride Notice

Public notices for fluoride. Notice of violations of the MCL for fluoride, notices of variances and adjusted standards from the MCL for fluoride and notices of failure to comply with variance and adjusted standard schedules for the MCL for fluoride must consist of the public notice prescribed Appendix A plus a description of any steps which the PWS is taking to come into compliance.

BOARD NOTE: Derived from 40 CFR 141.32(f) and (g) (1987), as amended at 52 Fed. Reg. 41546, October 28, 1987.

Section 611.860 Record Maintenance

A PWS shall retain on its premises or at a convenient location near its premises the following records:

a) Records of bacteriological analyses made pursuant to this Part must be kept for not less than 5 years. Records of chemical analyses made pursuant to this Part must be kept for not less than 10 years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

1) The date, place and time of sampling, and the name of the person who collected the sample;

2) Identification of the sample as to whether it was a routine

distribution system sample, check sample, raw or process water sample or other special purpose sample;

3) Date of analysis;

4) Laboratory and person responsible for performing analysis;

5) The analytical technique or method used; and

6) The results of the analysis.

b) Records of action taken by the PWS to correct violations of this Part must be kept for a period not less than 3 years after the last action taken with respect to the particular violation involved.

c) Copies of any written reports, summaries or communications relating to sanitary surveys of the system conducted by the PWS itself, by a private consultant, by USEPA, the Agency or a unit of local government delegated pursuant to Section 611.108, must be kept for a period not less than 10 years after completion of the sanitary survey involved.

d) Records concerning a variance or adjusted standard granted to the PWS must be kept for a period ending not less than 5 years following the expiration of such variance or adjusted standard.

BOARD NOTE: Derived from 40 CFR 141.33 (1987).

Section 611.861 Lead Notice

a) Applicability of public notice requirement.

1) Except as provided in subsection (a)(2) each CWS and each NTNCWS shall issue notice to persons served by the PWS that may be affected by lead contamination of their drinking water. The PWS shall provide notice under this Section even if there is no violation of the MCL for lead.

2) Notice under subsection (a)(1) is not required if the PWS demonstrates to the Agency that the water system, including the residential and non-residential portions connected to the water system, are lead free. For the purposes of this subsection, the term "lead free" when used with respect to solders and flux refers to solders and flux containing not more than 0.2 percent lead, and when used with respect to pipes and pipe fittings refers to pipes and pipe fittings containing not more than 8.0 percent lead.

3) The PWS shall give notice by June 19, 1990. Notice in compliance with 40 CFR 141.34 is sufficient.

b) Manner of notice. Notice must be given to persons served by the PWS either by:

1) Three newspaper notices (one for each of three consecutive months and the first no later than June 19, 1990); or

2) Once by mail notice with the water bill or in a separate mailing by June 19, 1990; or

3) Once by hand delivery by June 19, 1990. For NTNCWSs, notice may be given by continuous posting. If posting is used, the notice must be posted in a conspicuous place in the area served by the PWS, and start no later than June 19, 1990 and continue for three months.

BOARD NOTE: Derived from 40 CFR 141.34(a) and (b) (1987), as amended at 52 Fed. Reg. 41546, October 28, 1987.

Section 611.863 Content of Lead Notice

a) Notices issued under this Section must provide a clear and readily understandable explanation of the potential sources of lead in drinking water, potential adverse health effects, resonably available methods of mitigating known or potential lead content in drinking water, any steps the PWS is taking to mitigate lead content in drinking water, and the necessity for seeking alternative water supplies, if any. Use of the mandatory language in Section 611.864 in the notice will be sufficient to explain potential adverse health effects.

b) Each notice must also include specific advice on how to determine of materials containing lead have been used in homes or the water distribution system and how to minimize exposure to water likely to contain high levels of lead. Each notice must be conspicuous and must not contain unduly technical language, unduly small print or similar problems that frustrate the purpose of the notice. Each notice must contain the telephone number of the owner, operator or designee of the PWS as a source of additional information regarding the notice. Where appropriate, the notice must be multilingual.

BOARD NOTE: (Optional Information): Each notice should advise persons served by the PWS to use only the cold water faucet for drinking and for use in cooking or preparing baby formula, and to run the water until it gets as cold as it is going to get before each use. If there has recently been major water use in the household,

such as showering or bathing, flushing toilets or doing laundry with cold water, flushing the pipes should take 5 to 30 seconds; if not, flushing the pipes could take as long as several minutes. Each notice should also advise persons served by the PWS to check to see if lead pipes, solder or flux have been used in plumbing that provides tap water and to ensure that new plumbing and plumbing repairs use lead-free materials. The only way to be sure of the amount of lead in the household water is to have the water tested by a competent laboratory. Testing is especially important to apartment dwellers because flushing may not be effective in high-rise buildings that have lead-soldered central piping. As appropriate, the notice should provide information on testing.

BOARD NOTE: Derived from 40 CFR 141.34(c) (1987), as amended at 52 Fed. Reg. 41546, October 28, 1987.

Section 611.864 Mandatory Health Effects Information for Lead

Mandatory health effects information. When providing the information in public notices required under Section 611.863 on the potential adverse health effects of lead in drinking water, the PWS shall include the specific language of Appendix A in the notice.

BOARD NOTE: Derived from 40 CFR 141.34(d) through (f) (1987), as amended at 52 Fed. Reg. 41546, October 28, 1987.

Section 611.870 Unregulated Contaminants

a) This Section applies to only the contaminants listed in Section 611.650.

b) A CWS or NTNCWS who is required to monitor under Section 611.650 shall send a copy of the results of such monitoring within 30 days of receipt and any public notice under subsection (d) to the Agency.

d) The PWS shall notify persons served by the PWS of the availability of the results of sampling conducted under Section 611.650 by including a notice in the first set of water bills issued by the PWS after the receipt of the results or written notice within three months. The notice must identify a person and supply the telephone number to contact for information on the monitoring results. For surface water systems, public notification is required only after the first quarter's monitoring and must include a statement that additional monitoring will be conducted for three more quarters with the results available upon request.

BOARD NOTE: Derived from 40 CFR 141.35 (1987), as amended at 52 Fed. Reg. 25712, July 8, 1987.

Section 611.Appendix A Mandatory Health Effects Information

1) Trichloroethylene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that trichloroethylene is a health concern at certain levels of exposure. this chemical is a common metal cleaning and dry cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown ot cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set forth the enforceable drinking water standard for trichloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

2) Carbon tetrachloride. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that carbon tetrachloride is a health concern at certain levels of exposure. This chemical was once a popular household cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for carbon tetrachloride at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

3) 1,2-Dichloroethane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,2-dichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaning fluid for fats, oils, waxes and resins. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for 1,2-dichloroethane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory

animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

4) Vinyl chloride. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that vinyl chloride is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has has been associated with significantly increased risks of cancer among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for vinyl chloride at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

5) Benzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that benzene is a health concern at certain levels of exposure. This chemical is used as a solvent and degreaser of metals. It is also a major component of gasoline. Dringking water contamination generally results from leaking underground gasoline and petroleum tanks or improper waste disposal. This chemical has been associated with significantly increased risks of leukemia among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to This chemical has been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for benzene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

6) 1,1-Dichloroethylene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,1-dichloroethylene is a health concern at certain levels of

exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for 1,1-dichloroethylene at 0.007 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

7) Para-dichlorobenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that para-dichlorobenzene is a health concern at certain levels of exposure. This chemical is a component of deodorizers, moth balls and pesticides. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals which cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for para-dichlorobenzene at 0.075 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

8) 1,1,1-Trichloroethane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,1,1-trichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaner and degreaser of metals. It generally gets into drinking water by improper waste disposal. This chemical has been shown to damage the liver, nervous system and circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Sime industrial workers who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the liver, nervous system and circulatory system. Chemicals which cause adverse effects among exposed industrial workers and in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for 1,1,1-trichloroethane at 0.2 parts per million (ppm) to

protect against the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

BOARD NOTE: Derived from 40 CFR 141.32(e) (1987), as amended at 52 Fed. Reg. 41546, October 28, 1987,and at 54 Fed. Reg. 27526, June 29, 1989, and at 54 Fed. Reg. 27562, June 29, 1989.

9) Fluoride. The U.S. Environmental Protection Agency requires that we send you this notice on the level of fluoride in your drinking water. The drinking water in your community has a fluoride concentration of milligrams per liter (mg/L).

Federal regulations require that fluoride, which occurs naturally in your water supply, not exceed a concentration of 4.0 mg/L in drinking water. This is an enforceable standard called a Maximum Contaminant Level (MCL), and it has been established to protect the public health. Exposure to drinking water levels above 4.0 mg/L for many years may result in some cases of crippling skeletal fluorosis, which is a serious bone disorder.

Federal law also requires that we notify you when monitoring indicates that the fluoride in your drinking water exceeds 2.0 mg/L. This is intended to alert families about dental problems that might affect children under nine years of age. The fluoride concentration of your water exceeds this federal guideline.

Fluoride in children's drinking water at levels of approximately 1 mg/L reduces the number of dental cavities. However, some children exposed to levels of fluoride greater than about 2.0 mg/L may develop dental fluorosis. Dental fluorosis, in its moderate and severe forms, is a brown staining and/or pitting of the permanent teeth.

Because dental fluorosis occurs only when developing teeth (before they erupt from the gums) are exposed to elevated fluoride levels, households without children are not expected to be affected by this level of fluoride. Families with children under the age of nine are encouraged to seek other sources of drinking water for their children to avoid the possibility of staining and pitting.

Your water supplier can lower the concentration of fluoride in your water so that you will still receive the benefits of cavity prevention while the possibility of stained and pitted teeth is minimized. Removal of fluoride may increase your water costs. Treatment systems are also commercially available for home use. Information on such systems is available at the address given below. Low fluoride bottled drinking water that would meet all

standards is also commercially available.

For further information, contact at your water system.

BOARD NOTE: Derived from 40 CFR 143.5 (1987).

10) Microbiological contaminants (for use when there is a violation of the treatment technique requirements for filtration and disinfection in Subpart B). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that the presence of microbiological contaminants are a health concern at certain levels of exposure. If water is inadequately treated, microbiological contaminants in that water may cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be cuased by a number of factors other than your drinking water. USEPA has set enforceable requirements for treating drinking water to reduce the risk of these adverse health effects. Treatment such as filtering and disinfecting the water removes or destroys microbiological contaminants. Drinking water which is treated to meet USEPA requirements is associated with little to none of this risk and should be considered safe.

11) Total coliforms. (To be used when there is a violation of Section 611.360(a) and not a violation of Section 611.360(b)). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that the presence of total coliforms is a possible health concern. Total coliforms are common in the environment and are generally not harmful themselves. The presence of these bacteria in drinking water, however, generally is a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be ocntaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice, and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA has set an enforceable drinking water standard for total coliforms to reduce the risk of these adverse health effects. Under this standard, no more than 5.0 percent of the samples collected during a month can contain these bacteria, except that systems collecting fewer than 40 samples/month that have one total coliform-positive sample per month are not violating the standard. Drinking water which meets this standard is usually not associated with a health risk from disease-causing bacteria and should be considered safe.

12) Fecal Coliforms/E. coli. (To be used when there is a violation of

Section 611.360(b) or both Section 611.360(a) and (b)). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that the presence of fecal coliforms or E. coli is a serious health concern. Fecal coliforms and E. coli are generally not harmful themselves, but their presence in drinking water is serious because they usually are associated with sewage or animal wastes. The presence of these bacteria in drinking water is generally a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be ocntaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice, and associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA has set an enforceable drinking water standard for fecal coliforms and E. coli to reduce the risk of these adverse health effects. Under this standard all drinking water samples must be free of these bacteria. Drinking water which meets this standard is associated with little or none of this risk and should be considered safe. State and local health authorities recommend that consumers take the following precautions: [To be inserted by the public water system, according to instruction from State or local authorities].

BOARD NOTE: Derived from 40 CFR 141.32(e) (1987), as amended at 52 Fed. Reg. 41546, October 28, 1987,and at 54 Fed. Reg. 27526, June 29, 1989, and at 54 Fed. Reg. 27562, June 29, 1989.

13) Lead. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that lead is a health concern at certain levels of exposure. There is currently a standard of 0.050 parts per million (ppm). Based on new health informaiton, USEPA is likely to lower this standard significantly.

Part of the purpose of this notice is to inform you of the potential adverse health effects of lead. This is being done even though your water may not be in violation of the current standard.

USEPA and others are concerned about lead in drinking water. Too much lead in the human body can cause serious damage to the brain, kidneys, nervous system and red blood cells. The greatest risk, even with short-term exposure, is to young children and pregnant women.

Lead levels in your drinking water are likely to be highest:

If your home or water system has lead pipes, or

If your home has copper pipes with lead solder, adn

If the home is less than five years old, or

If you have soft or acidic water, or

If water sits in the pipes for several hours.

BOARD NOTE: Derived from 40 CFR 141.34(d) (1987), as amended at 52 Fed. Reg. 41546, October 28, 1987.

Section 611. Appendix B Percent Inactivation of G. Lamblia Cysts

TABLE 1.1
CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS
BY FREE CHLORINE AT 0.5 DEGREES C OR LOWER

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT 99.9 value at the lower temperature and at the higher pH.

Free Residual	pH						
(mg/L)	<=6.0	6.5	7.0	7.5	8.0	8.5	<=9.0
<=0.4	137	163	195	237	277	329	390
0.6	141	168	200	239	286	342	407
0.8	145	172	205	246	295	354	422
1.0	148	176	210	253	304	365	437
1.2	152	180	215	259	313	276	451
1.4	155	184	221	266	321	387	464
1.6	157	189	226	273	329	397	477
1.8	162	193	231	279	338	407	489
2.0	165	197	236	286	346	417	500
2.2	169	201	242	297	353	426	511
2.4	172	205	247	296	361	435	522
2.6	175	209	252	304	368	444	533
2.8	178	213	257	310	375	452	543
3.0	181	217	261	316	382	460	552

TABLE 1.2
CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS
BY FREE CHLORINE AT 5.0 DEGREES C

These CT values achieve greater than a 99.99 percent inctivation of viruses. CT values between the indicated pH values may be determined by linear

interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT 99.9 value at the lower temperature and at the higher pH.

Free Residual					pH		
(mg/L)	<=6.0	6.5	7.0	7.5	8.0	8.5	<=9.0
<=0.4	97	117	139	166	198	236	279
0.6	100	120	143	171	204	244	291
0.8	103	122	146	175	210	252	301
1.0	105	125	149	179	216	260	312
1.2	107	127	152	183	221	267	320
1.4	109	130	155	187	227	274	329
1.6	111	132	158	192	232	281	337
1.8	114	135	162	196	238	287	345
2.0	116	138	165	200	243	294	353
2.2	118	140	169	204	248	300	361
2.4	120	143	172	209	253	306	368
2.6	122	146	175	213	258	312	375
2.8	124	148	178	217	263	318	382
3.0	126	151	182	221	268	324	369

TABLE 1.3
CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS
BY FREE CHLORINE AT 10.0 DEGREES C

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT 99.9 value at the lower temperature and at the higher pH.

Free Residual					pH		
(mg/L)	<=6.0	6.5	7.0	7.5	8.0	8.5	<=9.0
<=0.4	73	88	104	125	149	177	209
0.6	75	90	107	128	153	183	210
0.8	78	92	110	131	158	189	220
1.0	79	94	112	134	162	195	234
1.2	80	95	114	137	166	200	240
1.4	82	98	116	140	170	206	247
1.6	83	99	119	144	174	211	253
1.8	86	101	122	147	179	215	259
2.0	87	104	124	150	182	221	265
2.2	89	105	127	153	186	225	271
2.4	90	107	129	157	190	230	276
2.6	92	110	131	160	194	234	281

2.8	93	111	134	163	197	239	287
3.0	95	113	137	166	201	243	292

TABLE 1.4
CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS
BY FREE CHLORINE AT 15.0 DEGREES C

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT 99.9 value at the lower temperature and at the higher pH.

Free Residual					pH		
(mg/L)	<=6.0	6.5	7.0	7.5	8.0	8.5	<=9.0
<=0.4	49	59	70	83	99	118	140
0.6	50	60	72	86	102	122	146
0.8	52	61	73	88	105	126	151
1.0	53	63	75	90	108	130	156
1.2	54	64	76	92	111	134	160
1.4	55	65	78	94	114	137	165
1.6	56	66	79	96	116	141	169
1.8	57	68	81	96	119	144	173
2.0	58	69	83	100	122	147	177
2.2	59	70	85	102	124	150	181
2.4	60	72	86	105	127	153	184
2.6	61	73	88	107	129	156	188
2.8	62	74	89	109	132	159	191
3.0	63	76	91	111	134	162	195

TABLE 1.5
CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS
BY FREE CHLORINE AT 20 DEGREES C

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT 99.9 value at the lower temperature and at the higher pH.

Free Residual					pH		
(mg/L)	<=6.0	6.5	7.0	7.5	8.0	8.5	<=9.0
<=0.4	36	44	52	62	74	89	105
0.6	38	45	54	64	77	92	109

0.8	39	46	55	66	79	95	113
1.0	39	47	56	67	81	98	117
1.2	40	48	57	69	83	100	120
1.4	41	49	58	70	85	103	123
1.6	42	50	59	72	87	105	126
1.8	43	51	61	74	89	108	129
2.0	44	52	62	75	91	110	132
2.2	44	53	63	77	93	113	135
2.4	45	54	65	78	95	115	138
2.6	46	55	66	80	97	117	141
2.8	47	56	67	81	99	119	143
3.0	47	57	68	83	101	122	146

TABLE 1.6
CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS
BY FREE CHLORINE AT 25 DEGREES C AND HIGHER

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT 99.9 value at the lower temperature and at the higher pH.

Free Residual	pH						
(mg/L)	<=6.0	6.5	7.0	7.5	8.0	8.5	<=9.0
<=0.4	24	29	35	42	50	59	70
0.6	25	30	36	43	51	61	73
0.8	26	31	37	44	53	63	75
1.0	26	31	37	45	54	65	78
1.2	27	32	38	46	55	67	80
1.4	27	33	39	47	57	69	82
1.6	28	33	40	48	58	70	84
1.8	29	34	41	49	60	72	86
2.0	29	35	41	50	61	74	88
2.2	30	35	42	51	62	75	90
2.4	30	36	43	52	63	77	92
2.6	31	37	44	53	65	78	94
2.8	31	37	45	54	66	80	96
3.0	32	38	46	55	67	81	97

TABLE 2.1
CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS
BY CHLORINE DIOXIDE AND OZONE

	<=1°C	5°C	10°C	15°C	20°C	>25°C
Chlorine dioxide	63.	26.	23.	19.	15.	11.
Ozone	2.9	1.9	1.4	0.95	0.72	0.48

TABLE 3.1
CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS
BY CHLORAMINES

	<=1°C	5°C	10°C	15°C	20°C	>25°C
Chloramines	3800.	2200.	1850.	1500.	1100.	750.

BOARD NOTE: Derived from 40 CFR 141.74(b) Tables, as adopted at 54 Fed. Reg. 27526, June 29, 1989.

Section 611.Appendix C Common Names of Organic Chemicals

The following common names are used for certain organic chemicals:

Common Name	CAS No.	CAS Name
Aldrin	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha, 4alpha, 4abeta, 5alpha, 8alpha, 8abeta)-
Bromoform	75-25-2	Methane, tribromo-
Chlordane	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-
Chloroform	67-66-3	Methane, trichloro-
2,4-D	94-75-7	Acetic acid, 2,4-dichlorophenoxy-
DDT	50-29-3	Benzene, 1,1'-(2, 2, 2-trichloroethylidene)bis[4-chloro-
Dieldrin	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha, 2beta, 2aalpha, 3beta, 6beta, 6aalpha, 7beta, 7aalpha)-
Endrin	72-20-8	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha, 2beta, 2abeta, 3alpha, 6alpha, 6abeta, 7beta, 7aalpha)-,
Heptachlor	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

		heptachloro-3a,4,7,7a-tetrahydro-
Heptachlor epoxide	1024-57-3	2, 5-Methano-2H-indeno[1, 2b]oxirene, 2, 3, 4, 5, 6, 7, 7-heptachloro-1a, 1b, 5, 5a, 6, 6a-hexahydro-, (1a alpha, 1b beta, 2 alpha, 5 alpha, 5a beta, 6beta, 6a alpha)-
Lindane	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 alpha,2 alpha,3 beta,4 alpha,5 alpha,6 beta)-
Methoxychlor	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-
Silvex (2,4,5-TP)	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
Toxaphene	8001-35-2	Toxaphene
TTHM		Total trihalomethanes (See Section 611.101)

BOARD NOTE: Derived from 40 CFR 141.30 (1987), and 40 CFR 261, Appendix VIII (1989)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Reporting and Public Notification

2) Code Citation: 35 Ill. Adm. Code 606

3) Section Numbers: Proposed Action:

606.101, 606.102, 606.103, 606.201	Repealer
606.202, 606.203, 606.204, 606.205	Repealer
Appendix	Repealer

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1017, 1017.5 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of October 5, 1989, in R88-26, which Opinion is available from the address below. Section 17.5 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1017.5) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

In R88-26, the Board is proposing to replace its existing public water supply regulations in 35 Ill. Adm. Code 604 through 607 with a new Part 611, which will be "identical in substance" with USEPA rules at 40 CFR 141, as amended through June 30, 1989. The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date?: No.

8) Does this proposed repealer contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This repealer imposes no mandates on units of local government

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R88-26 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: October 26, 1989.

B) Types of small businesses affected:

The existing and proposed rules affect small businesses which own or operate a public water supply.

C) Reporting, bookkeeping or other procedures required for compliance:

The repealer requires no procedures.

D) Types of professional skills necessary for compliance:

None.

The full text of the Proposed Repealer begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 606
REPORTING AND PUBLIC NOTIFICATION

SUBPART A: REPORTING

Section
606.101 Monthly Operating Reports
606.102 Reporting Requirements
606.103 Signatory Requirement

SUBPART B: PUBLIC NOTIFICATION

Section
606.201 Public Notice Required to Persons Serviced
606.202 Public Notice Required to Public in General
606.203 Additional Public Notice
606.204 Form of Public Notice
606.205 Agency Issued Public Notice
Appendix References to Former Rules

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1017 and 1027).

SOURCE: Filed with Secretary of State January 1, 1978; amended at 2 Ill. Reg. 36, p. 72, effective August 29, 1978; amended at 3 Ill. Reg. 13, p. 236, effective March 30, 1979; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982. Repealed at___Ill. Reg.____, effective_____.

SUBPART A: REPORTING

Section 606.101 Monthly Operating Reports

Monthly reports shall be submitted to the Environmental Protection Agency (Agency) by all supplies within 30 days following the last day of each month, on forms provided or approved by the Agency.

Section 606.102 Reporting Requirements

a) Except where a shorter reporting period is specified in this Chapter or by the Agency, the owner, operator or registered person in responsible charge of a supply shall report to the Agency within 40 days following a test, measurement or analysis required to be made by

this Chapter, the results of that test, measurement or analysis.

b) The owner, operator or registered person in responsible change of a supply shall report to the Agency within 48 hours the failure to comply with any requirement (including failure to comply with monitoring requirements) set forth in this Chapter.

c) The owner, operator or registered person in responsible charge of a supply is not required to report analytical results to the Agency in cases where an Agency laboratory performs the analysis and reports the results to the Agency office which would normally receive such notification.

d) The owner, operator, or registered person in responsible charge of those community water supplies exempted from the chlorination requirement pursuant to 35 Ill. Adm. Code 604.403 shall report monthly to the Agency its activity to educate and inform its customers about preventing contamination into the supply's distribution system, pursuant to 35 Ill. Adm. Code 607.104.

Section 606.103 Signatory Requirement

All official operating reports submitted to the Agency must be signed by the certified operator in responsible charge or the registered person in responsible charge.

SUBPART B: PUBLIC NOTIFICATION

Section 606.201 Public Notice Required to Persons Serviced

If a community water supply fails to comply with an applicable maximum allowable concentration established in 35 Ill. Adm. Code 604 fails to comply with an applicable testing procedure established in these Rules, is granted a variance from an applicable maximum allowable concentration, fails to comply with any requirement of any schedule prescribed pursuant to a variance, or fails to perform any monitoring required pursuant to these Rules, the owner or official custodian of such supply shall notify persons served by the supply of the failure or grant by inclusion of a notice in the first set of water bills of the supply issued after the failure or grant and in any event by written notice within three months. Such notice shall be repeated at least once every three months so long as the supply's failure continues or the variance remains in effect. If the

supply issues water bills less frequently than quarterly, or does not issue water bills, or cannot economically include the notice with the water bill, the notice shall be made by or supplemented by another written form of direct mail or hand delivery.

Section 606.202 Public Notice Required to Public in General

If a community water supply has failed to comply with an applicable maximum allowable concentration, the owner or official custodian of such supply shall notify the public of such failure, in addition to the notification required by Section 606.201 as follows:

a) By publication on not less than three consecutive days in a newspaper or newspapers of general circulation in the area served by the supply. Such notice shall be completed within fourteen days after the owner or operator learns of the failure. If the area served by a community water supply is not served by a daily newspaper of general circulation, notification by newspaper required shall instead be given by publication on three consecutive weeks in a weekly newspaper of general circulation serving the area. If no weekly or daily newspaper of general circulation serves the area, notice shall be given by posting the notice in post offices within the area served by the supply.

b) By furnishing a copy of the notice to the radio and television stations serving the area served by the supply. Such notice shall be furnished within seven days after the owner or operator learns of the failure.

Section 606.203 Additional Public Notice

In any instance in which notification by mail is required by Section 606.201 but notification by newspaper or to radio or television stations is not required by Section 606.202, the Agency may order the owner or official custodian of the supply to provide notification by newspaper and to radio and television stations when circumstances make more immediate or broader notice appropriate to protect the public health. In cases of emergency, more expeditious means such as door-to-door notification by water supply personnel, police or others may be required by the Agency.

Section 606.204 Form of Public Notice

Notices given pursuant to this Section shall be written in

amanner reasonably designed to inform fully the users of the supply.

a) The notice shall be conspicuous and shall not use unduly technical language, unduly small print or other methods which would frustrate the purpose of the notice.

b) The,hotice shall disclose all material facts regarding the subject including the nature of the problem and, when appropriate, a clear statement that a drinking water regulation has been violated and any preventive measures that should be taken by the public.

c) Where appropriate, or where designated by the Agency, bilingual notice shall be given.

d) Notices may include a balanced explanation of the significance or seriousness to the public health of the subject of the notice, a fair explanation of steps taken by the supply to correct any problem and the results of any additional sampling.

Section 606.205 Agency Issued Public Notice

Notice to the public required by this subpart may be given by the Agency on behalf of the owner or official custodian of the supply.

APPENDIX References to Former Rules

Chapter 6: Public Water Supplies	35 Ill. Adm. Code
Part III: Operation and Maintenance	Part 606
Rule 310(A)	Section 606.101
Rule 310(B)	Section 606.102
Rule 313(D)(1)	Section 606.201
Rule 313(D)(2), (3)	Section 606.202
Rule 313(D)(5)	Section 606.204
Rule 313(D)(6)	Section 606.205
Rule 313(D)(7)	Section 606.203

1) Heading of the Part: Sampling and Monitoring

2) Code Citation: 35 Ill. Adm. Code 605

3)

Section Numbers:	Proposed Action:
605.101, 605.102, 605.103, 605.104	Repealer
605.105, 605.106, 605.107, 605.108	Repealer
605.109, 605.110, Appendix	Repealer

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1017, 1017.5 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of October 5, 1989, in R88-26, which Opinion is available from the address below. Section 17.5 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1017.5) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

In R88-26, the Board is proposing to replace its existing public water supply regulations in 35 Ill. Adm. Code 604 through 607 with a new Part 611, which will be "identical in substance" with USEPA rules at 40 CFR 141, as amended through June 30, 1989. The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date?: No.

8) Does this proposed repealer contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? Yes, in R84-12:

Section Numbers	Proposed Action	Illinois Register Citation
605.104	Amendment	January 13, 1989; 13 Ill. Reg. 269;

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

February 24, 1989;
13 Ill. Reg. 2539

10) Statement of Statewide Policy Objectives:

This repealer imposes no mandates on units of local government

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R88-26 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: October 26, 1989.

B) Types of small businesses affected:

The existing and proposed rules affect small businesses which own or operate a public water supply.

C) Reporting, bookkeeping or other procedures required for compliance:

The repealer requires no procedures.

D) Types of professional skills necessary for compliance:

None.

The full text of the Proposed Repealer begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 605
SAMPLING AND MONITORING

Section
605.101 Frequency of Bacteriological Sampling
605.102 Minimum Allowable Monthly Samples for Bacteriological Analysis
605.103 Frequency of Chemical Analysis Sampling
605.104 Frequency of Trihalomethane Analysis Sampling
605.105 Monitoring Requirements for Radium-226, -228, and Gross Alpha Particle Activity
605.106 Monitoring Frequency for Radium-226, -228, and Gross Alpha Particle Activity
605.107 Monitoring Requirements for Man-Made Radioactivity
605.108 Monitoring Frequency for Man-Made Radioactivity
605.109 Surface Water Supplies Additional Monitoring Requirements
605.110 Modification of Monitoring Requirements
Appendix References to Former Rules

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1017 and 1027).

SOURCE: Filed with Secretary of State January 1, 1978; amended at 2 Ill. Reg. 36, p. 72, effective August 29, 1978; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at 6 Ill. Reg. 14344, effective November 3, 1982. Repealed at ____ Ill. Reg. ____, effective _____.

Section 605.101 Frequency of Bacteriological Sampling

a) Representative samples of the finished water from the distribution system are to be submitted monthly by each supply owner, official custodian, or his authorized personnel to a certified laboratory for bacteriological analysis.

1) The minimum number of samples to be submitted monthly is dependent upon the population served as shown in Section 605.102.

2) A greater number of samples may be required by the Environmental Protection Agency (Agency) to be analyzed each month.

b) The owner, official custodian, or authorized personnel of any community water supply which is exempt from chlorination pursuant to 35 Ill. Adm. Code 604.403 shall submit samples to a certified laboratory for bacteriological analysis at least twice a month. Each submission shall consist of the minimum number of samples shown in Section 605.102 plus raw water samples of a sufficient number to assure that each active well is sampled at least monthly.

c) It shall be the responsibility of the supply to have the analyses performed either at its own certified laboratory or at any other certified laboratory. The Agency may require that some or all of the monthly samples be submitted to its laboratories.

Section 605.102 Minimum Allowable Monthly Samples for Bacteriological Analysis

Population Served	Minimum Number of Samples Per Month
25 to 100	1
101 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4.101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 9,400	10
9,401 to 10,300	11
10,301 to 11,100	12
11,101 to 12,000	13
12,001 to 12,900	14
12,901 to 13,700	15
13,701 to 14,600	16
14,601 to 15,500	17
15,501 to 16,300	18
16,301 to 17,200	19
17,201 to 18,100	20
18,101 to 18,900	21
18,901 to 19,800	22
19,801 to 20,700	23
20,701 to 21,500	24
21,501 to 22,300	25

22,301 to 23,200	26
23,201 to 24,000	27
24,001 to 24,900	28
24,901 to 25,000	29
25,001 to 28,000	30
28,001 to 33,000	35
33,001 to 37,000	40
37,001 to 41,000	45
41,001 to 46,000	50
46,001 to 50,000	55
50,001 to 54,000	60
54,001 to 59,000	65
59,001 to 64,000	70
64,001 to 70,000	75
70,001 to 76,000	80
76,001 to 83,000	85
83,001 to 90,000	90
90,001 to 96,000	95
96,001 to 111,000	100
111,001 to 130,000	110
130,001 to 160,000	120
160,001 to 190,000	130
190,001 to 220,000	140
220,001 to 250,000	150
250,001 to 290,000	160
290,001 to 320,000	170
320,001 to 360,000	180
360,001 to 410,000	190
410,001 to 450,000	200
450,001 to 500,000	210
500,001 to 550,000	220
550,001 to 600,000	230
600,001 to 660,000	240
660,001 to 720,000	250
720,001 to 780,000	260
780,001 to 840,000	270
840,001 to 910,000	280
910,001 to 970,000	290
970,001 to 1,050,000	300
1,050,001 to 1,140,000	310
1,140,001 to 1,230,000	320
1,230,001 to 1,320,000	330
1,320,001 to 1,420,000	340
1,420,001 to 1,520,000	350
1,520,001 to 1,630,000	360
1,630,001 to 1,730,000	370
1,730,001 to 1,850,000	380
1,850,001 to 1,970,000	390

1,970,001 to 2,060,000	400
2,060,001 to 2,270,000	410
2,270,001 to 2,510,000	420
2,510,001 to 2,750,000	430
2,750,001 to 3,020,000	440
3,020,001 to 3,320,000	450
3,320,001 to 3,620,000	460
3,620,001 to 3,960,000	470
3,960,001 to 4,310,000	480
4,310,001 to 4,690,000	490
4,690,001 or more	500

Section 605.103 Frequency of Chemical Analysis Sampling

A minimum of one representative sample each of the raw and finished water is to be submitted every year to the Agency's laboratory for chemical analysis from community water supplies which utilize a surface water source. Community water supplies which utilize a ground water source are to submit finished water samples to the Agency for analysis at least every three years. Sampling for specific parameters may be required by the Agency more frequently whenever there is reason to believe that these parameters are or may be in excess of the limits listed in 35 Ill. Adm. Code 604.202 and 604.203, or if the presence of other dangerous or potentially dangerous substances is suspected.

Section 605.104 Frequency of Trihalomethane Analysis Sampling

a) Surface Water Sources: Supplies serving over 10,000 individuals shall submit at least four samples per treatment plant per quarter for analysis or analytical results from a certified laboratory for Total Trihalomethanes to the Agency. After results of four consecutive quarters demonstrate consistent Total Trihalomethanes concentrations below the Maximum Allowable Concentration, and upon written application by the supply, the Agency may reduce the sample frequency to one sample per quarter until the Maximum Allowable Concentration is exceeded or until a significant change in source or treatment method is made.

b) Ground Water Sources: Supplies serving 10,000 individuals or more shall submit at least one sample per treatment plant for MTP analysis. After written request by the supply and the determination by the Agency that the results of the sample and local conditions indicate that the supply is not likely to approach or exceed the Maximum Allowable Concentration, the supply shall

continue to submit one annual sample per treatment plant, or report of analysis by a certified laboratory to the Agency. If the sample exceeds the Maximum Allowable Concentration or cannot be analyzed for MTP, the supply shall submit samples in accordance with Section 605.104(a).

c) Significant changes in water sources or treatment will require testing in accordance with Section 605.104(a).

d) If the result of an analysis made pursuant to the reduced monitoring schedules provided by Section 605.104(a) indicates that the level of Total Trihalomethanes exceeds the Maximum Allowable Concentration listed in Section 604.202, the owner or operator of the supply shall initiate analysis of one check sample promptly after the exceedance is reported to the supply. If the check sample confirms that the level of Total Trihalomethanes exceeds the Maximum Allowable Concentration, the supply shall sample in accordance with the frequency set out in Section 605.104(a), for at least one year.

Section 605.105 Monitoring Requirements for Radium-226, -228 and Gross Alpha Particle Activity

a) Compliance with 35 Ill. Adm. Code 604.301 shall be based on the analysis of an annual composite of four consecutive quarterly samples or the average of the analyses of four samples obtained at quarterly intervals.

b) A gross alpha particle activity measurement may be substituted for the required radium-226 and radium-228 analysis, provided that the measured gross alpha particleactivity does not exceed 5 pCi/l at a confidence level of 95 percent (1.96 sigma where sigma is the standard deviation of the net counting rate of the sample). In localities where radium-228 may be present in drinking water, radium226 and/or radium-228 analyses may be required by the Agency when the gross alpha particle activity exceeds 2 pCi/l.

c) When the gross alpha particle activity exceeds 5 pCi/l, the same or an equivalent sample shall be analyzed for radium-226. If the concentration of radium-226 exceeds 3 pCi/l, the same or an equivalent sample shall be analyzed for radium-228.

d) A supply using two or more sources having different concentrations of radioactivity shall monitor source water in addition to water from a free-flowing tap, when required by the Agency.

Section 605.106 Monitoring Frequency for Radium-226, -228 and Gross Alpha Particle Activity

Suppliers of water shall monitor at least once every four years. When an annual record taken in conformance with Section 605.105 has established that the average annual concentration is less than half the maximum contaminant levels established by 35 Ill. Adm. Code 604.301, analysis of a single sample may be substituted for the quarterly sampling procedure required by Section 605.105.

a) More frequent monitoring shall be conducted when required by the Agency in the vicinity of mining or other operations.

b) Monitoring for compliance with radium-228 levels need be done only in the initial test of each source and when specifically requested by the Agency, provided that the average annual concentration of radium-228 has been assayed at least once using the quarterly sampling procedure required by Section 605.104(a).

c) Owners and operators of supplies shall conduct annual monitoring of any community water system in which the radium-226 concentration exceeds 3 pCi/l, except when specifically exempted by the Agency.

d) Monitoring at quarterly intervals shall be continued until the annual average concentration no longer exceeds the maximum contaminant level or until a monitoring schedule as a condition to a variance, exemption or enforcement action shall become effective.

e) If the average annual maximum allowable concentration for gross alpha particle activity or total radium is exceeded, the owner or operator of a community water supply shall give notice to the Agency and notify the public as required by 35 Ill. Adm. Code 606.

Section 605.107 Monitoring Requirements for Man-Made Radioactivity

a) Community water supplies using surface water sources and serving more than 100,000 persons and such other community water supplies as are designated by the Agency shall be monitored for compliance with 35 Ill. Adm. Code 604.302 by analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.

1) Compliance with 35 Ill. Adm. Code 604.302 may be assumed without further analysis if the average annual concentrations of tritium and strontium-90 are less than those listed in 35 Ill. Adm. Code 604.302(c), provided that if both radionuclides are present, the sum of their annual dose equivalents to bone marrow shall not exceed 4 millirem/year.

2) If the gross beta particle activity exceeds 50 pCi/l, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with 35 Ill. Adm. Code 604.302.

b) Supplies shall conduct additional monitoring, as required by the Agency, to determine the concentration of man-made radioactivity in principal watersheds designated by the Agency.

c) At the discretion of the Agency, supplies utilizing only ground waters may be required to monitor for man-made radioactivity.

Section 605.108 Monitoring Frequency for Man-Made Radioactivity

a) Supplies shall monitor for beta activity at least every four years.

b) Any community water supply designated by the Agency as utilizing water contaminated by effluents from nuclear facilities shall initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium.

c) Quarterly monitoring for gross beta particle activity shall be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. If the gross beta particle activity in a sample exceeds 15 pCi/l, the same or an equivalent sample shallb be

analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds 50 pCi/l, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses shall be calculated to determine compliance with 35 Ill. Adm. Code 604.302(c).

d) For iodine-131, a composite of five consecutive daily samples shall be analyzed once each quarter. If required by the Agency, more frequent monitoring shall be conducted when iodine-131 is identified in the finished water.

e) Annual monitoring for strontium-90 and tritium shall be conducted by means of the analysis of a composite of four consecutive quarterly samples, or of four quarterly samples.

f) The Agency may allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of man-made radioactivity by the community water supply where the Agency determines such data is applicable to that particular community water supply.

g) If the average annual maximum allowable concentration for man-made radioactivity set forth in 35 Ill. Adm. Code 604.302 is exceeded, monitoring at monthly intervals shall continue until the concentration no longer exceeds the maximum allowable concentration or until a monitoring schedule as a condition to a variance or enforcement action shall become effective.

h) If the average annual maximum allowable concentration for man-made radioactivity set forth in 35 Ill. Adm. Code 604.302 is exceeded, the owner or official custodian of a community water supply shall give notice to the Agency and to the public as required by 35 Ill. Adm. Code 606.

Section 605.109 Surface Water Supplies Additional Monitoring Requirements

Owners or official custodians of community water suppliesutilizing surface water sources shall ensure:

a) that finished water samples are taken at a representative entry points to the distribution system

at least once per day, and

b) that a turbidity analysis is performed on each of the samples immediately. The analysis of the samples shall be done by an individual who has been approved by the Agency as qualified to make this analysis.

Section 605.110 Modification of Monitoring Requirements

When a supply provides water to one or more other supplies, the Agency may modify the monitoring requirements imposed by this Section to the extent that the interconnection of the supplies justifies treating them as a single supply for monitoring purposes. Any modified monitoring shall be conducted pursuant to a schedule specified by the Agency.

APPENDIX References to Former Rules

The following table is provided to aid in referencing former Board rule numbers to section numbers pursuant to codification.

Chapter 6: Public Water Supplies	35 Ill. Adm. Code
Part III: Operation and Maintenance	Part 605
Rule 309(A)	Section 605.101
Rule 309 (Table III)	Section 605.102
Rule 309(B)	Section 605.103
Rule 309(C)(1)(a)	Section 605.105
Rule 309(C)(1)(b)	Section 605.106
Rule 309(C)(2)(a)	Section 605.107
Rule 309(C)(2)(b)	Section 605.108
Rule 309(D)	Section 605.109
Rule 309(E)	Section 605.110

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN

2) Code Citation: 89 Ill. Adm. Code 112

3)

Section Numbers:	Proposed Action:
112.138	New Section
112.303	Amendment

4) Statutory Authority: Sections 4-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 4-12 and 12-13, as amended by P.A.86-911, effective July 1, 1990.

5) A Complete Description of the Subjects and Issues Involved: This rulemaking authorizes a supplemental payment to an AFDC participant who experiences a loss or decease of earned income. A supplemental payment is authorized in this instance to offset the decrease in the individual's AFDC benefits which results from retrospective budgeting of his or her earned income.

6) Will these Proposed Amendments replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
___Yes X No

8) Does these Proposed Amendments contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.40	Amendment	February 17, 1989 (13 Ill. Reg. 1948)
112.82	Amendment	November 3, 1989 (13 Ill. Reg. 16894)
112.154	Amendment	October 13, 1989 (13 Ill. Reg. 15985)
112.252	Amendment	September 22, 1989 (13 Ill. Reg. 14741)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
112.253	Amendment	September 22, 1989 (13 Ill. Reg. 14741)
112.254	Amendment	September 22, 1989 (13 Ill. Reg. 14741)
112.300	Amendment	November 3, 1989 (13 Ill. Reg. 16894)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

SUBPART C: PROJECT CHANCE

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SUBPART E: PROJECT ADVANCE

SUBPART F: EXCHANGE PROGRAM

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

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AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 4-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective

DEPARTMENT OF PUBLIC AID

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October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill.

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Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827 effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June, 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg.

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1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16006, effective October 6, 1989; amended at 13 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

112.138 Transitional Payments

a) The Department supplements AFDC assistance to recipients determined eligible for such payments who have had a decrease or loss of earned income and are receiving a reduced AFDC grant and assistance due to the budgeting of their previous earnings.

b) Eligibility for a transitional payment exists for any payment month in which:

1) the AFDC grant amount was decreased due to the budgeting of earned income; and

2) the gross earnings received in the payment month are less than the gross earnings budgeted for the payment month; and

3) the net budgetable earned income (after appropriate disregards (see Section 112.152)) received in the payment month is at least $10 less than the amount budgeted for the payment month.

c) Eligibility for transitional payments shall be determined monthly based on the monthly reports

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

112.138 Transitional Payments (Cont.d)

submitted by the AFDC participant. In addition, an AFDC participant may request a transitional payment, in writing, at any time if the participant's earnings have terminated entirely.

(Source: Added at 13 Ill. Reg. _____, effective _____)

Section 112.303 Retrospective Budgeting

a) All AFDC recipients shall have income and attendant circumstances budgeted on a retrospective basis, whether or not they must report monthly.

b) Eligibility for AFDC is first determined on a prospective basis for all eligibility factors. If eligible on this prospective basis, the actual amount of benefits the unit is entitled to receive shall be determined by budgeting income and attendant circumstances retrospectively. At intake, however, income and attendant circumstances shall be budgeted prospectively for two months before beginning retrospective budgeting in the third month.

c) The budget month is the fiscal month from which the Department uses income and attendant circumstances to determine the amount of assistance the unit is entitled to receive. The payment month is the fiscal month which the assistance grant covers. The payment month is the second fiscal month following the budget month.

d) The Department ~~does not~~ may supplement a recipient's assistance grant due to a loss of income in the payment month (see Section 112.138).

e) When a recipient whose assistance is discontinued reapplies for the same fiscal month assistance was discontinued, the recipient's income is budgeted retrospectively as if no interruption in assistance occurred.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of Parts: Remittance Agents

2) Code Citation: 92 Ill. Adm. Code 1019

3) Section Number: Proposed Action:

1019.40 Amendment

4) Statutory Authority: Section 2-104(b) and 3-900 et seq. of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 2-104(b) and 3-900 et seq.)

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking makes minor changes in the criteria for the recordkeeping of remittance agents. It relieves the second remittance agent from recording the original applicant's address in his/her records. It also makes the initiating remittance agent responsible for recording the amount of fee for delivery to the Department of Revenue.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No, this rulemaking does not contain incorporations by reference.

9) Are there any other amendments pending on the part? No

10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Robert Powers
Assistant Counsel to the Secretary
Centennial Building, Room 298
Springfield, Illinois 62756
(217) 785-3094

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary has decided not to submit this proposed amendment to the

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

Small Business Office of the Department of Commerce and Community Affairs. This rulemaking should not adversely effect small businesses.

The full text of the Proposed Amendment begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1019
REMITTANCE AGENTS

Section
1019.5 Definitions
1019.10 Application for Remittance Agent License and Renewal
1019.20 Denial of Application for Remittance Agent's License
1019.30 Suspension and Revocation of Remittance Agents' Licenses
1019.35 Processing Transactions
1019.40 Recordkeeping Requirements
1019.45 Severability Clause

AUTHORITY: Implementing Section 3-900 et seq. and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 3-900 et seq. and 2-104(b)).

Source: Adopted at 13 Ill. Reg. 4944, effective April 1, 1989; amended at 13 Ill. Reg. _____, effective _____.

Section 1019.40 Recordkeeping Requirements

a) Each person licensed as a remittance agent as defined in Section 3-900 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-900) shall maintain for a period of three (3) years a record of each transaction involving a remittance to the Department.

b) The records shall be maintained in ledger form or be computerized. If computerized, the records should be available to the auditors from the Accounting Revenue Department or the officers from the Department of Police within thirty (30) minutes of a request. The records should contain the following information:

1) The name and address of the remittance agent. If the remittance agent has more than one licensed location, the records shall reflect the location where the transaction was received, processed, or where the records are kept.

2) The name and address of the applicant submitting the transaction. If a remittance agent does not make the initial contact with the applicant but receives a transaction from another remittance agent, dealer, currency exchange, or financial institution, the second remittance agent shall record the original applicant's name and address and that of the initiating remittance agent, dealer, currency exchange, or financial institution.

3) The address of the Secretary of State facility to which the transaction is delivered. If the transaction is delivered to another remittance agent for delivery to the Department, the name and address of the second remittance agent shall be recorded by the first remittance agent.

4) The type of application that the transaction involves.

5) The amount of fee received by the remittance agent for delivery to the Department for each transaction. The funds shall be identified as "cash," "check" or "money order" payable to the Secretary of State, or "check" or "money order" payable to the remitter.

6) The initiating remittance agent shall record ~~T~~the amount of fee received by the remittance agent for delivery to the Department of Revenue. The funds shall be identified as "cash," "check" or "money order" payable to the Department of Revenue, or "check" or "money order" payable to the remitter.

7) The date the fee and transaction were received by the remittance agent.

8) The date the fee and transaction were delivered to the Department and the method of delivery.

9) The date that the registration plate and/or sticker was delivered to the applicant or initiating remittance agent, dealer, currency exchange or financial institution if applicable. If it is the policy of the remittance agent to have the applicant pick-up the registration plate and/or sticker, the date that the applicant was notified of its availability, the method of notification, and date the items were picked up shall be recorded.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Services Delivered By the Department

2) Code Citation: 89 Ill. Adm. Code 302

3) Section Numbers: Adopted Action

302.310	Amended
302.311	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 23, par 5005 et seq. and Ill. Rev. Stat. 1987, ch. 40, par. 1501 et seq.

5) Effective Date of Amendments: November 15, 1989

6) Does this rulemaking contain an automatic repeal date: ___Yes _X_No
If so, please specify date:

7) Do these amendments contain incorporations by reference? No.
If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking?

8) Date Filed in Agency's Principal Office: November 9, 1989

9) Notice(s) of Proposal Published in Illinois Register:

May 26, 1989, 13 Ill. Reg. 7847
(issue date)

10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No.
If answer is "yes," please complete the following:

11) Difference(s) between proposal and final version:

Section 302.310 has been changed to add the new language at subsection (a)(1) rather than as another new subsection, previously labeled (a)(2).

Various statutory citations, editing and formatting changes have been made as recommended by the Administrative Code Unit and the JCAR analyst.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace emergency rules currently in effect? No

14) Are there any amendments pending on this Part? No

Section Numbers	Proposed Action	Illinois Register Citation

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: These rules were amended to comply with Federal Regulations which allow for the reimbursement of non-recurring adoption expenses to adoptive parents who adopt special needs children in accordance with Federal guidelines. Additionally, the revised rules will enable the Department to claim Title IV-E reimbursement.

16) Information and questions regarding these amendments shall be directed to:

Name: Jacqueline Nottingham, Chief

Address: Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498

Telephone: 217/785-2592

The full text of the adopted begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 302
SERVICES DELIVERED BY THE DEPARTMENT

SUBPART A: GENERAL PROVISIONS

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

Appendix A Acknowledgement of Mandated Reporter Status (Recodified)

AUTHORITY: Implementing and authorized by Section 5 et seq. of "AN ACT creating the Illinois Department of Children and Family Services, codifying its powers and duties, and repealing certain Acts and sections herein named" (Ill. Rev. Stat. 1987, ch. 23, par. 5005 et seq.); Section 3-6-2(g) of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, par. 1003-6-2(g)); Dangerous Drug Abuse Act (Ill. Rev. Stat. 1987, ch. 91 1/2, par. 120.1 et seq.); the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C 670 et seq. (1988 Supp.)); 45 CFR 1356.40 and 1356.41; Section 1-1 et seq. of the Juvenile Court Act (Ill. Rev. Stat. 1987, ch. 37, par. 801.1 et seq.); and "AN ACT in relation to the adoption of persons and to repeal an Act therein named" (Ill. Rev. Stat. 1987, ch. 40, par. 1501 et seq.).

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989.

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section 302.310 Adoption Assistance

a) Adoption assistance, also known as adoption subsidy, shall be offered to persons adopting special needs children
   1) for whom the Department is legally responsible, ~~and~~ or for whom the Department is not legally responsible who were eligible for Aid to Families with Dependent Children (AFDC) at the time the adoption petition was filed or who were eligible for Supplemental Security Income (SSI) prior to finalization of the adoption, and
   2) who are legally free for adoption, and
   3) who cannot or should not be returned to their parents' homes as determined by the standards delineated in 89 Ill. Adm. Code ~~305,~~ ~~Section~~ 305.8, and
   4) for whom adoption without adoption assistance is unlikely or has been unsuccessful~~.~~, and
   5) who have been placed in the adoptive home and for whom an adoption assistance agreement, in accordance with subsection (e), has been signed prior to finalization of the adoption.

b) Special needs children are those:
   1) who have irreversible or non-correctable physical or mental handicaps; or
   2) who have physical, mental or emotional handicaps correctable through surgery, treatment, or other specialized services; or
   3) who are 6 years of age or older; or
   4) who are 3 years of age or older and are members of racial minorities; or
   5) who are members of a sibling group who are being placed together where at least one child meets one or more of the above criteria.

c) Types and amounts of adoption assistance are based on the needs of the child and the circumstances of the family and may include:
   1) ongoing monthly payments not to exceed $1 less than the foster family care payment level which had been received or would be received if the child were in foster care;
   2) one-time only payment for services related to legally completing the adoption;
   3) payments for those physical, emotional and mental health needs which are not wholly payable through insurance or other public resources and which are associated with or result from a medical condition(s) whose onset has been established as occurring prior to the completion of the adoption.

d) A prospective adoptive family being presented with a child determined to be a special needs child shall be made aware of the availability of adoption assistance, the types of assistance available, the amount of payment which may be available based on the needs of the child and the circumstances of the family, and the methods used in determining the amount. Following a determination of the maximum amount available for payments, which is based on current family size, gross income and the age of the child to be adopted, the family and the Department shall determine the amount necessary to meet the child's needs, including basic care, up to the maximum described in ~~Section 302.310~~ subsection (c) (1).

e) The type(s), amount and duration of adoption assistance shall be agreed to in writing by the Department and the adoptive parent(s) prior to the finalization of the adoption. The duration of adoption assistance may not extend beyond age 18 years (for children adopted after the effective date of this Part) unless the child has a mental or physical handicap. If the child adopted after the effective date of this Part has a mental or physical handicap and other assistance is not available, the assistance may be provided to age 21.

f) The adoptive parent(s) shall notify the Department when:
   1) they are no longer legally responsible for the support of the child; or
   2) the child is no longer receiving any financial support from the adoptive parent(s); or
   3) the conditions for which periodic services were needed have changed; or
   4) significant changes have occurred in the circumstances of the adoptive parent(s) to provide necessary care for the child; or
   5) the family has received notification of child's eligibility for certain benefits such as, social security, SSI, Veterans, railroad retirement or black lung benefits, etc. and the family has been named payee.

g) Adoption assistance shall be adjusted to reflect the above changes in circumstances. The Department shall annually review with the adoptive parent(s) the continuing need of the child for adoption assistance. Any adjustment in adoption assistance shall be made with prior written notice to the adoptive parent(s).

(Source: Amended at 13 Ill. Reg. 18847, effective November 15, 1989)

Section 302.311 Nonrecurring Adoption Expenses

a) Payment of nonrecurring adoption expenses, up to a maximum of $1500.00 per adopted child, is available to any family:
   1) who adopts a special needs child as defined in Sections 302.310 (a) (3)-(6) and 302.310 (b), and the child's adoption was:
      A) handled directly through the Department or through another public or a non-profit private agency or independently, and
      B) initiated or finalized in Illinois.

b) Payment for nonrecurring adoption expenses are reimbursable only when the Department has a signed agreement with the adopting parent(s) prior to the finalization of the adoption, unless the adoption decree was entered into
   1) on or after January 1, 1987 but prior to June 14, 1989, or
   2) before January 1, 1987, but the adoption expenses were paid after January 1, 1987.

c) This provision does not include nonrecurring adoption expenses which have been reimbursed through another state or federal program. Allowable nonrecurring adoption expenses include, but are not limited to, adoption fees, court costs, attorney fees, and other expenses (e.g., health and psychological examinations and costs associated with preplacement visits) which are not incurred in violation of State or Federal laws (e.g., "AN ACT in relation to the adoption of persons and to repeal an act therein named" (Ill. Rev. Stat. 1987, ch. 40 par. 1501 et seq.) or the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq. (1988 Supp.)).

(Source: Added at 13 Ill. Reg. 18847, effective November 15, 1989)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Imposition of Sanctions Including the Suspension or Revocation of Licenses and/or the Assessment of Civil Penalties

2) Code Citation: 92 Ill. Adm. Code 1730

3) Section numbers: Adopted Action:

1730.15	New Section
1730.20	Amendment

4) Statutory Authority: Implementing Sections 18a-200 and 18a-307 and authorized by Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18a-200 and 18a-307).

5) Effective Date of Amendments: November 15, 1989

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: November 8, 1989

9) Notice of Proposal Published in Illinois Register:

June 16, 1989, at 13 Ill. Reg. 9061

10) Has JCAR issued a Statement of Objections to these amendments? No.

11) Difference(s) between proposal and final version:

Section 1730.15(a): Added "Included. . .settlement option."

Section 1730.15(d): Deleted "whether. . .Law."

Section 1730.15(e): Reference to 83 Ill. Adm. Code 200 added.

Section 1730.20: The material being repealed has been corrected to reflect the current rules.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: The adopted amendments set out Commission policy in the areas of settlement agreements and the initiation of enforcement proceedings for relocation towers.

16) Information and questions regarding these adopted amendments shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-8439

The full text of the Adopted Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: RELOCATION TOWING

PART 1730
IMPOSITION OF SANCTIONS INCLUDING THE SUSPENSION OR REVOCATION OF LICENSES AND/OR THE ASSESSMENT OF CIVIL PENALTIES
~~(GENERAL ORDER 3 (R))~~

Section
1730.10 General Provision -- Applicability
1730.15 Settlement in Lieu of Formal Operating Practices Proceeding
1730.20 Initiation of Operating Practices Proceeding
1730.30 Service of Order
1730.40 Respondent's Reply -- Failure to Appear at Hearing
1730.50 Civil Penalties -- Method of Payment
1730.60 Commission Order After Hearing -- Civil Penalties

AUTHORITY: Implementing Sections 18a-200 and 18a-307 and authorized by Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18a-200 and 18a-307).

SOURCE: Adopted at 6 Ill. Reg. 10544, effective August 3, 1982; codified at 8 Ill. Reg. 5158; Part recodified at 10 Ill. Reg. 18012; amended at 13 Ill. Reg. 18853, effective November 15, 1989.

Section 1730.15 Settlement in Lieu of Formal Operating Practices Proceeding

Prior to the institution of formal enforcement proceedings before the Illinois Commerce Commission ("Commission") a respondent shall be given the opportunity to settle, at an informal staff level, any controversy regarding the respondent's alleged illegal activity under the Illinois Commercial Relocation of Trespassing Vehicles Law ("Law") (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18a-100 et seq.).

a) The Notice of Alleged Violation and Opportunity to Settle ("NAVOS") setting forth the alleged violations of the Law or rules of the Commission shall be served on the respondent and shall specify the procedure for the respondent to exercise his option to settle. Included will be instructions to telephone or write to the specific Commission staff member assigned to the

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case to request and schedule a settlement conference if the respondent chooses to exercise the settlement option. The respondent shall have 20 days from the date of service to exercise his option to settle.

b) Monetary settlements specified in the NAVOS shall be based upon the minimum and maximum amounts as set forth in Section 18c-1704(2) of the Illinois Commercial Transportation Law ("ICTL") (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 18c-1704(2)).

c) An amount less than the minimum established in the NAVOS may be agreed upon between the staff of the Commission and the respondent during informal settlement discussions. This lesser amount shall be incorporated in a stipulated settlement agreement which shall be presented to the Commission for approval or rejection pursuant to the provisions of Section 18c-1705 of the ICTL.

d) Settlement amounts shall be determined upon consideration of the respondent's past compliance history, his cooperation with authorities in the resolution of the dispute, and his willingness to comply with the Law and Commission rules, the type of violation, the amount of revenue realized from the unlawful activities, and the number of violations.

e) If a settlement agreement is not reached, the matter will be set for hearing before a Commission Hearing Examiner (see 83 Ill. Adm. Code 200).

f) The respondent's right to a hearing and his position at hearing will not be prejudiced in any way if settlement is not reached.

(Source: Added at Ill. Reg. 18853, effective November 15, 1989)

Section 1730.20 Initiation of Operating Practices Proceeding

~~a) The Commission shall initiate an operating practices proceeding by the service of an appropriate order directing that the respondent show cause why sanctions should not be imposed for alleged violations of the Law, of any Commission rule, regulation, or requirement.~~

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~~b) The Commission's order shall include a statement of the nature of the alleged violation(s) which the respondent is alleged to have committed and a statement of the factual allegations upon which the proposed sanctions are sought to be imposed.~~

~~c) The Commission's order shall provide notice to the respondent to appear at a prescribed hearing date, time and place duly established by the Commission in order to present testimony as to why the civil penalty and/or other relief, as applicable under the provisions of the Law, should not be imposed.~~

~~d) The order shall include a statement of the respondent's right to present relevant oral or written explanations at the hearing together with such other relevant information and material as necessary.~~

a) An enforcement proceeding shall be initiated by the issuance of a Complaint which shall set forth the alleged violations of the Law. The Complaint shall be served on the respondent by certified mail, return receipt requested, at the last address known to the Commission, or by personal service if the respondent is not licensed by the Commission and service by mail cannot be accomplished.

b) The respondent shall have 20 days from the date of service of the Complaint to file a responsive pleading with the Commission. Failure to respond within the specified time shall result in the matter being set for hearing. Notice of the time, date and place for the hearing shall be mailed to the respondent.

c) All matters set for hearing as a result of this Section shall be conducted in accordance with 83 Ill. Adm. Code 200 (Rules of Practice) and with the provisions of Section 18c-1704 of the ICTL.

d) Respondent's failure to appear at a hearing or otherwise respond to a complaint shall constitute a waiver of the respondent's right to contest the alleged violation(s). Commission staff shall present evidence in support of its allegations and the Commission is

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authorized, without further notice or hearing, to make findings and may forthwith order the imposition of sanctions including, where applicable, the assessment of a civil penalty.

(Source: Amended at 13 Ill. Reg. 18853, effective November 15, 1989)

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1) The Heading of the Part: Sanctions Including Suspension or Revocation of Operating Authorities and/or the Assessment of Civil Penalties

2) Code Citation: 92 Ill. Adm. Code 1435

3) Section numbers: Adopted Action:

1435.15	New Section
1435.20	Amendment

4) Statutory Authority: Implementing Section 18c-1704 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-1704 and 18c-1202).

5) Effective Date of Amendments: November 15, 1989

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: November 8, 1989

9) Notice of Proposal Published in Illinois Register:

June 16, 1989, at 13 Ill. Reg. 9070

10) Has JCAR issued a Statement of Objections to these amendments? No.

11) Difference(s) between proposal and final version:

Section 1435.15(a): Added "Included. . .option."

Section 1435.15(a): Added last sentence.

Section 1435.15(d): Added "(e.g., misinterpretation of commodity authority)."

Section 1435.20: The material being repealed has been corrected to reflect the current rules.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

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13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: The adopted amendments set out Commission policy in the area of settlement agreements and the initiation of enforcement proceedings for motor carriers of property.

16) Information and questions regarding these adopted amendments shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-8439

The full text of the Adopted Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: MOTOR CARRIERS OF PROPERTY

PART 1435
SANCTIONS INCLUDING SUSPENSION OR REVOCATION OF OPERATING AUTHORITIES AND/OR THE ASSESSMENT OF CIVIL PENALTIES
~~(GENERAL ORDER 54 (MC))~~

Section
1435.10 General Provisions - Applicability
1435.15 Settlement in Lieu of Formal Enforcement Proceeding
1435.20 Initiation of Enforcement Proceeding
1435.30 Service of Order
1435.40 Respondent's Reply - Failure to Appear at Hearing
1435.50 Civil Penalties - Method of Payment
1435.60 Commission Order After Hearing - Civil Penalties

AUTHORITY: Implementing Section 18c-1704 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law, (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-1704 and 18c-1202).

SOURCE: Adopted at 6 Ill. Reg. 14816, effective November 19, 1982; codified at 8 Ill. Reg. 5153; amended at 10 Ill. Reg. 3820, effective February 10, 1986; Part recodified at 10 Ill. Reg. 18002; amended at 13 Ill. Reg. 18859, effective November 15, 1989.

Section 1435.15 Settlement in Lieu of Formal Enforcement Proceeding

Prior to the institution of formal enforcement proceedings before the Illinois Commerce Commission ("Commission") a respondent shall be given the opportunity to settle, at an informal staff level, any controversy regarding the respondent's alleged illegal activity under the Illinois Commercial Transportation Law ("Law") (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-1101 et seq.).

a) The Notice of Alleged Violation and Opportunity to Settle ("NAVOS") setting forth the alleged violations of the Law or rules of the Commission shall be served on the respondent and shall specify the procedure for the respondent to exercise his option to settle. Included will be instructions to telephone or write to the specific Commission staff member assigned to the case to request and schedule a settlement conference if the respondent chooses to exercise the settlement option. The respondent shall have 20 days from the date of service to exercise his option to settle.

b) Monetary settlements specified in the NAVOS shall be based upon the minimum and maximum amounts as set forth in Section 18c-1704(2) of the Law.

c) An amount less than the minimum established in the NAVOS may be agreed upon between the staff of the Commission and the respondent during informal settlement discussions. This lesser amount shall be incorporated in a stipulated settlement agreement which shall be presented to the Commission for approval or rejection pursuant to the provisions of Section 18c-1705 of the Law.

d) Settlement amounts shall be determined upon consideration of the respondent's past compliance history, whether the violation(s) was the result of willful conduct or an incorrect, but colorable interpretation of the Law (e.g., misinterpretation of commodity authority), his cooperation with authorities in the resolution of the dispute, and his willingness to comply with the Law and Commission rules, the type of violation, the amount of revenue realized from the unlawful activities, and the number of violations.

e) If a settlement agreement is not reached, the matter will be set for hearing before a Commission Hearing Examiner (See 83 Ill. Adm. Code 200).

f) The respondent's right to a hearing and his position at hearing will not be prejudiced in any way if settlement is not reached.

(Source: Added at 13 Ill. Reg. 18859, effective November 15, 1989)

Section 1435.20 Initiation of Enforcement Proceeding

~~a) An enforcement proceeding shall be initiated by the service of a Commission Notice of Apparent Civil Violation ("notice") or Citation putting the respondent on notice that sanctions may be imposed for alleged violations of the law, of any Commission rule, regulation, order, or requirements, or of any term, condition or limitation of a license or registration issued by the Commission.~~

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~~b) Where the respondent is alleged to have~~

~~1) operated without authority issued by the Commission;~~

~~2) operated beyond the scope of the authority issued by the Commission;~~

~~3) operated or controlled the operation of a motor carrier of property without approval of the Commission; or~~

~~4) conducted operations in violation of rates and charges on file with the Commission;~~

~~5) aided or abetted another in any of the foregoing violations;~~

~~the Commission may include in the notice or citation a civil penalty claim under Section 18-702 of the Law. Civil penalties may also be levied against any shipper or shippers who aid or abet any person or persons in the aforesaid violations.~~

~~c) The Commission's notice or citation shall include a statement of the nature of the alleged violation(s) which the respondent appears to have committed and a statement of the factual allegations upon which the notice or citation is based.~~

~~d) The Commission's citation shall set forth the date, time and place of a hearing at which respondent will have an opportunity to dispute allegations in the notice and/or citation and to show cause why, if allegations in the order are true and correct, the civil penalty and/or other relief, as applicable under the provisions of the Law, should not be imposed.~~

~~e) The Commission notice or citation shall include a statement of the respondent's right to present relevant oral or written evidence and argument at a hearing together with such other relevant information and materials as are necessary.~~

a) An enforcement proceeding shall be initiated by the issuance of a Complaint which shall set forth the alleged violations of the Law. The Complaint shall be

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served on the respondent by certified mail, return receipt requested, at the last address known to the Commission, or by personal service if the respondent is not licensed by the Commission and service by mail cannot be accomplished.

b) The respondent shall have 20 days from the date of service of the Complaint to file a responsive pleading with the Commission. Failure to respond within the specified time shall result in the matter being set for hearing. Notice of the time, date and place for the hearing shall be mailed to the respondent.

c) All matters set for hearing as a result of this Section shall be conducted in accordance with 83 Ill. Adm. Code 200 (Rules of Practice) and with the provisions of Section 18c-1704 of the Law.

d) Respondent's failure to appear at a hearing or otherwise respond to a complaint shall constitute a waiver of the respondent's right to contest the alleged violation(s). Commission staff shall present evidence in support of its allegations and the Commission is authorized, without further notice or hearing, to make findings and may forthwith order the imposition of sanctions including, where applicable, the assessment of a civil penalty.

(Source: Amended at 13 Ill. Reg. 18859, effective November 15, 1989)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Certified Shorthand Reporters Act

2) Code Citation: 68 Ill. Adm. Code 1200

3) Section Numbers: Adopted Action:
1200.30 Amended

4) Statutory Authority: Certified Shorthand Reporters Act (Ill. Rev. Stat. 1987, ch. 111, par. 6207 and 6210)

5) Effective Date of Amendment: November 21, 1989

6) Do these amendments contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: November 7, 1989

9) Date Notice of Proposal Published in Illinois Register: July 21, 1989, 13 Ill. Reg. 11993.

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version: The only differences between the proposed and final version are those which were published in the Notice of Correction on July 27, 1989, 13 Ill. Reg. 12648.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace an Emergency Amendment currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: Upon the recommendation of the Certified Shorthand Reporters Board, the Department is changing the Preliminary Examination, set forth in Section 1200.30(a)(1) from the present 200 words per minute with 98% accuracy. Also, Section 1200.30(d)(1) has been modified to limit the use of a dictionary to one per person.

16) Information and questions regarding this adopted rule shall be directed to:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1200
CERTIFIED SHORTHAND REPORTERS ACT

Section
1200.20 Application for Examination
1200.30 Examinations
1200.35 Renewals
1200.40 Restoration
1200.45 Endorsement
1200.50 Fees for the Administration of the Act
1200.60 Annual Report of Board
1200.70 Conduct of Hearings
1200.80 Granting Variances

AUTHORITY: Implementing the Illinois Certified Shorthand Reporters Act of 1984 (Ill. Rev. Stat. 1987, ch. 111, par. 6201 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 60(7)).

SOURCE: Adopted at 5 Ill. Reg. 7518, effective July 2, 1981; codified at 5 Ill. Reg. 11024; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendments at 8 Ill. Reg. 672, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 16443, effective August 29, 1984; amended at 11 Ill. Reg. 14073, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. Code 200 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1200 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2917; amended at 12 Ill. Reg. 16718, effective September 30, 1988; amended at 13 Ill. Reg. 18865, effective November 21, 1989.

Section 1200.30 Examinations

a) The Examination for certification as a certified shorthand reporter shall be administered by the Department or its designated testing service. The examination shall be given in 3 portions, as set forth below. Applicants are required to pass the Preliminary Examination before being allowed to take either the Written or the Dictation Examination. Applicants who present satisfactory evidence to the Department of success in an examination which the Department deems to be equivalent to the Preliminary Examination shall not be required, to take the Preliminary. (An examination shall be deemed equivalent if

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it is as specified in ~~S~~subsection ~~1200.30~~(b)(2) of this ~~Part~~ Section.) Satisfactory evidence shall be as specified in ~~S~~subsection ~~1200.30~~(b) of this ~~Part~~ Section.

1) Preliminary Examination. A Preliminary Examination will be required of all applicants, except as provided in subsection (b), below. The applicant will be tested on his ability to make a verbatim record on unfamiliar testimony dictated for 5 minutes at a minimum speed of ~~200~~ 225 words per minute with at least ~~98%~~ 94% accuracy.

2) Written Knowledge Examination. The Written Examination is given to determine the applicant's competency and ability:

A) To understand the English language, including reading, spelling and the applicant's knowledge of day to day vocabulary, as well as medical, legal and technical vocabulary, without the use of a dictionary.

B) To accurately report any of the matters comprising the practice of shorthand reporting as defined in the Illinois Certified Shorthand Reporters Act of 1984 (Ill. Rev. Stat. 1987, ch. 111, par. 6201 et seq.) (the "Act"), by the use of any system of manual or mechanical shorthand or shorthand writing.

C) To clearly understand the obligations between a shorthand reporter and the parties to any proceedings reported; and

D) To understand the provisions of the Act.

3) Dictation Examination

A) This portion of the examination shall consist of the following parts:

i) General dictation at 200 words per minute for 5 minutes with an allowance of 50 errors. (Definition: spoken words presented in court proceedings, depositions, arbitrations, speeches, and hearings).

ii) Testimony, 2 voice, 225 words per minute for 5 minutes with an allowance of 57 errors.

B) Transcription. Upon completion of both parts of the Dictation Examination, the applicant shall transcribe both parts in double-space form.

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C) The applicant shall be allowed an aggregate of three hours with which to complete all of such transcription. Those retake applicants required to transcribe only one part of the Dictation Examination shall be allowed only one and one-half hours.

b) Waiver of Preliminary Examination

1) The Department shall waive the Preliminary Examination for applicants who submit:

A) A Registered Professional Reporter's Certificate by examination or a Certificate of Merit issued by the National Shorthand Reporters Association; or

B) An Affidavit of Ability from a shorthand reporting school which conducts an equivalent preliminary examination, as determined by the Department upon the recommendation of the Shorthand Reporters Board of Examiners.

2) The Affidavit of Ability, Certificate of Merit, and Registered Professional Reporter's Certificate by examination will be void upon the third failure of the examination by an applicant, and the applicant will be required to sit for the preliminary examination as well as the other portions of the examination as required by Ssubsection ~~1200.30~~(c)(3) of this Section.

3) In evaluating whether a shorthand reporting school gives an equivalent preliminary examination, the Board shall consider the following factors:

A) Whether the test meets the minimum standards set out for the preliminary examination set forth in Ssubsection ~~1200.30~~(a)(1) above;

B) Test security; and

C) The preceding performance record on Illinois licensure examinations of the students from that school, specifically:

i) The number of examinees;

ii) Grades;

iii) Failure rate; and

iv) Trends.

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c) Grading of the Examination

1) The passing grade on the written examination set forth in subsection (a)(2) is 75%.

2) An applicant will have successfully completed the preliminary examination if he transcribes the testimony dictated for 5 minutes at a minimum speed of ~~200~~ 225 words per minute with at least ~~98%~~ 94% accuracy.

3) An applicant will pass the dictation examination set forth in this subsection if he successfully transcribes within the given time periods set forth in subsections (A) and (B) below:

A) 200 words per minute for 5 minutes with a maximum of 50 errors or less on the general dictation portion; and

B) 225 words per minute for 5 minutes with a maximum of 57 errors on the 2 voice testimony.

4) In scoring the dictation examination, "Q" representing question and "A" representing answer, shall not be counted as words in the testimony portion; however, such signs must appear in proper order in the transcript.

5) An applicant who fails an examination will be required, on his second and third examinations, to retake only those portions or dictation part of the examination which he did not pass.

6) For the purpose of retaking examinations beyond the third, the fourth examination shall be considered to be the same as the first.

d) Required Supplies for the Examination

1) Each applicant must supply his own ~~dictionary,~~ pens, pencils, stenographic machine, erasers, stenograph paper, notebooks or note paper, and dictionary. The use of only one dictionary per person is permitted. Typewriters shall be supplied at the location of the examination; however, applicants may bring their own typewriters if they elect to do so.

2) Applicants shall not be permitted to use tape records or other electronic recording devices during the examination sessions.

3) Typing paper will be provided.

e) The provisions of this Section shall apply to applicants upon adoption

DEPARTMENT OF PROFESSIONAL REGULATION

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without regard to where the applicant is in the application process.

(Source: Amended at 13 Ill. Reg. 18865, effective November 21, 1989)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Numbers: Adopted Action:

120.70	Amendment
120.72	New Section
120.74	New Section
120.76	New Section
120.382	Amendment

4) Statutory Authority: Sections 5-2 and 5-5 et seq. of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-2 and 5-5 et seq.)

5) Effective Date of Amendments: November 17, 1989

6) Does this rulemaking contain an automatic repeal date?
___Yes _X_No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: November 17, 1989

9) Notices of Proposal Published in Illinois Register: March 17, 1989 (13 Ill. Reg. 3281)

10) Has JCAR issued a Statement of Objections to these Amendments? No

11) Differences between proposal and final version: The following changes were made to this rulemaking:

. In 120.70(a) "(PL 100-360)" was added after the words "Medicare Coverage Catastrophic Act of 1988."

. The word "previously" was added in the second sentence after the words "Individuals may" in 120.70(a).

. In 120.70 (b)(2) the words "(42 CFR 435.134)" were added after "1972". Also the words "(89 Ill. Adm. Code 113)" were added after the words "disabled person" and the words "(89 Ill. Adm. Code 120)" were added after the words "Medicaid program".

. A "1)" was placed in front of the sentence "The

DEPARTMENT OF PUBLIC AID

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Department shall pay the SMIB premium for the following individuals".

. The words "(Beginning Eligibility)" were added after 120.70(c).

. The word "subsections" was added where needed in 120.70(b)(2).

. In 120.70(c)(1), first sentence, "public assistance" was changed to "medical assistance". Also in this subsection, the second sentence was deleted.

. In 120.70(c)(2) the word "subsection" was added where appropriate.

. In 120.72(b) the words "(see 89 Ill. Adm. Code 140)" were added after "Medical services" and "(see 89 Ill. Adm. Code 120)" were added after "Medicaid".

. In 120.74(a) "1988" was changed to "1989" and a cite to "(54 FR 7097, February 16, 1989)" was added. Also the words "(see 89 Ill. Adm. Code 112, 113, 120)" were added at the insistence of JCAR after the words "countable monthly income".

. In 120.74(a) the table was changed as follows:

Number in Family	Countable Monthly Income	Number in Family	Countable Monthly Income
1	$399	5	$ 943
2	535	6	1079
3	671	7	1215
4	807	8	1351

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Adopted Amendments replace an Emergency Amendment currently in effect? No

14) Are there any Amendments pending on this Part? Yes

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NOTICE OF ADOPTED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
120.10	Amendment	October 6, 1989 (13 Ill. Reg. 15582)
120.20	Amendment	September 22, 1989 (13 Ill. Reg. 14778)
120.20	Amendment	October 20, 1989 (13 Ill. Reg. 16294)
120.30	Amendment	September 22, 1989 (13 Ill. Reg. 14778)
120.60	Amendment	October 6, 1989 (13 Ill. Reg. 15582)
120.61	Amendment	October 20, 1989 (13 Ill. Reg. 16294)
120.61	Amendment	October 6, 1989 (13 Ill. Reg. 15582)
120.62	Amendment	October 6, 1989 (13 Ill. Reg. 15582)
120.63	Amendment	October 6, 1989 (13 Ill. Reg. 15582)
120.284	New Section	October 6, 1989 (13 Ill. Reg. 15582)
120.285	Amendment	October 20, 1989 (13 Ill. Reg. 16294)
120.379	New Section	October 20, 1989 (13 Ill. Reg. 16294)
120.384	New Section	October 6, 1989 (13 Ill. Reg. 15582)
120.385	Amendment	October 20, 1989 (13 Ill. Reg. 16294)
120.386	New Section	October 20, 1989 (13 Ill. Reg. 16294)

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NOTICE OF ADOPTED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
120.390	Amendment	November 11, 1989 (13 Ill. Reg. 17229)

15) Summary and Purpose of Amendments: This rulemaking codifies those provisions of the Medicare Catastrophic Coverage Act of 1988 which require the State to pay Medicare premiums on behalf of eligible persons.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Daniel Leikvold, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10 Eligibility For Medical Assistance
120.11 Eligibility For Medical Assistance For Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and MANG(C)
120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
120.64 Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

SUBPART D: ~~SUPPLEMENTARY MEDICAL INSURANCE~~ MEDICARE PREMIUMS

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

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NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq, and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978;

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peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20,

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1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688,effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987;

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amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART D: ~~SUPPLEMENTARY MEDICAL INSURANCE~~ MEDICARE PREMIUMS

Section 120.70 Supplementary Medical Insurance Benefits~~,~~ (SMIB) Buy-In Program

a) The Department shall pay the premium for Supplementary Medical Insurance benefits (SMIB)~~-~~ (Part B of Medicare) for specified clients in accordance with the buy-in agreement with the Social Security Administration (SSA) and the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360). ~~This includes clients who would not be eligible for individual enrollment because of failure to pay premiums or previous failure to enroll during prescribed periods. It may also include individuals not eligible for Hospital Insurance Benefits (HIB --- Part A of Medicare) because of insufficient quarters of coverage.~~ Individuals may previously have enrolled in SMIB themselves or may be automatically enrolled by the

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Section 120.70 Supplementary Medical Insurance Benefits, (SMIB) Buy-In Program (cont'd).

Department.

b) Eligible Individuals

~~Individuals who are eligible for SMIB shall be added to the buy-in coverage group for the first month in which they are eligible for both SMIB enrollment and public assistance. Recipients shall be continued in the buy-in coverage group while in $0 grant status, but shall be deleted from the group for any month in which assistance is discontinued.~~

1) The Department shall pay the SMIB premium for the following individuals:

A) individuals who receive financial assistance (including zero grant) under the AABD or AFDC program;

B) individuals who, except for the Social Security benefit increase of 1972 (42 CFR 435.134), would still be eligible to receive cash assistance as an aged, blind or disabled person (89 Ill. Adm. Code 113) and who are eligible for both SMIB and the Department's Medicaid program (89 Ill. Adm. Code 120);

C) individuals with Supplemental Security Income (SSI) income who receive full Medicaid benefits under the AABD program; and

D) Qualified Medicare Beneficiaries (QMB)s (see Section 120.72).

2) Individuals who qualify under Subsections (b)(1)(A) thru (b)(1)(C) above may include individuals not eligible for Part A of Medicare because of insufficient quarters of coverage. Individuals who qualify under Subsections (b)(1)(A) thru (b)(1)(D) may include persons who would not be eligible for individual SMIB enrollment because of failure to pay premiums or previous failure to enroll during prescribed periods.

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Section 120.70 Supplementary Medical Insurance Benefits, (SMIB) Buy-In Program (cont'd.)

c) ~~MANG-(AABD)~~ Beginning Eligibility

~~1) The Department shall assume the SMIB premium payments for individuals who have enrolled themselves or have been automatically enrolled by SSA prior to receipt of public assistance. The Department shall assume the premium for individuals who are automatically enrolled by the SSA while they are receiving assistance.~~

~~2) Individuals receiving SSI benefits or State Supplemental Payments (SSP) who are eligible for Medicare and for the Department's Medicaid program and individuals who, except for the Social Security benefit increase of 1972, would still be eligible to receive cash assistance as aged, blind, or disabled person and who are eligible for both Medicare and the Department's Medicaid program are eligible for SMIB buy-in.~~

1) Individuals who qualify under (b)(1)(A), (b)(1)(B) or (b)(1)(C) shall be added to the SMIB Buy-in Program for the first month in which they are eligible for both SMIB enrollment and medical assistance.

2) Individuals who qualify under Subsection (b)(1)(D) shall be added to the SMIB Buy-in Program for the first month following the month in which they are determined eligible for QMB status. Recipients shall remain in the SMIB Buy-in Program for any month in which they qualify under Subsection b)(1)(A) thru (b)(1)(D) above.

~~d) AFDC~~

~~Individuals who are eligible for Medicare are eligible for SMIB buy-ins.~~

(Source: Amended at 13 Ill. Reg. 18872, effective November 17, 1989)

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NOTICE OF ADOPTED AMENDMENTS

Section 120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)

a) Eligibility for Medicare cost sharing exists for Qualified Medicare Beneficiaries (QMB)s. A QMB is an individual who:

1) is a beneficiary of Medicare Part A (i.e. Hospital Insurance);

2) meets the general non-financial factors of eligibility for the Medicaid Program (see Sections 120.310, 120.311, 120.319 and 120.325);

3) has countable monthly income which does not exceed the QMB income standard (see Section 120.74); and

4) has countable assets which do not exceed the QMB asset disregard (see Section 120.382(d)).

b) QMBs may be eligible for the full range of Medicaid services (see 89 Ill. Adm. Code 140) only if they meet all eligibility requirements for Medicaid (see 89 Ill. Adm. Code 120).

c) Eligibility for Medicare cost sharing is effective the first day of the month following the QMB eligibility determination.

d) QMBs are eligible for Medicaid payment of Medicare cost sharing expenses (i.e., Part A and Part B premiums, deductibles and coinsurance) in accordance with Sections 120.70, 120.76 and 89 Ill. Adm. Code 140.21.

e) Eligibility for QMB status will be redetermined at least every twelve (12) months.

(Source: Added at 13 Ill. Reg. 18872, Effective November 17, 1989)

Section 120.74 Qualified Medicare Beneficiary (QMB) Income Standard

a) The QMB income standard below is equal to 80% of the

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Section 120.74 Qualified Medicare Beneficiary (MB) Income Standard) (Cont'd.)

1989 Federal Poverty Level Income Guidelines (54 FR 7097, February 16, 1989) for the size of the household. If the household's countable monthly income (see 89 Ill. Adm. Code 112, 113, 120) exceeds the QMB income standard, eligibility for QMB status does not exist.

Number in Family	Countable Monthly Income	Number in Family	Countable Monthly Income
1	$399	5	$ 943
2	535	6	1079
3	671	7	1215
4	807	8	1351

b) When the number in the household unit exceeds the number provided above, add $163 for each additional person.

(Source: Added at 13 Ill. Reg. 18872, effective November 17, 1989)

Section 120.76 Hospital Insurance Benefits (HIB)

a) The Department shall pay the Hospital Insurance Benefit (HIB) (Part A of Medicare) premium for Qualified Medicare Beneficiaries (QMB)s in accordance with the Medicare Catastrophic Coverage Act of 1988 (see Section 120.72). Payments will be made in behalf of QMBs who have individually enrolled for HIB with the Social Security Administration and who are charged a HIB premium.

b) The Department will pay the HIB premium beginning the month following the month of the QMB eligibility determination. Payment will continue as long as the individual retains QMB status.

(Source: Added at 13 Ill. Reg. 18872, effective November 17, 1989)

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Section 120.382 Asset Disregard

In addition to the exempt assets listed in Section 120.381, the cash value of assets shall be disregarded as follows:

a) MANG (AABD)

1) $2,000.00 for a client and $3,000.00 for a client and one dependent residing together.

2) $50.00 for each additional dependent residing in the same household.

3) Eligibility for MANG does not exist when non-exempt assets exceed the above disregard.

b) MANG(C)

1) $2,000.00 for a one person assistance unit and $3,000.00 for a two-person assistance unit.

2) $50.00 for each additional member of the assistance unit.

c) MANG(P) -- $5000 regardless of the family size.

d) Qualified Medicare Beneficiary (QMB)

1) $4,000 for a single person and $6,000 for a person with one or more dependents.

2) Eligibility for QMB status does not exist when countable assets exceed the above disregard.

(Source: Amended at 13 Ill. Reg. 18872, effective November 17, 1989)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:

Food Service Sanitation Code

2) Code Citation:

77 Ill. Adm. Code 750

3) Section Numbers: Adopted Action:

750.10	Amendment
750.20	New Section
750.540	Amendment
750.550	Repealer
750.560	Amendment
750.1800	New Section
750.1810	New Section
750.1815	New Section
750.1820	New Section
750.1830	New Section
750.1835	New Section
750.1836	New Section
750.1837	New Section
750.1838	New Section
750.1840	New Section
750.1850	New Section
750.1860	New Section
750.1861	New Section
750.1862	New Section
750.1865	New Section
750.1868	New Section
750.1870	New Section
750.1872	New Section
750.1880	New Section
750.1890	New Section
750.1895	New Section
Appendix A	New Section
Appendix B	New Section
Appendix C	New Section
Appendix D	New Section

4) Statutory Authority:

AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 67 et seq.)

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The Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 501 et seq.)

5) Effective Date of Rules:

December 1, 1989

6) Does this Rulemaking Contain an Automatic Repeal Date? No.

7) Does this Rulemaking Contain Any Incorporations by Reference? No.

8) Date Filed in Agency's Principal Office:

November 7, 1989

9) Date Notice(s) of Proposal was Published in Illinois Register:

May 5, 1989 - 13 Ill. Reg. 6888

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No.

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

In Section 750.540(a), a new sentence has been added between the previously printed first and second sentences. In addition, a clarifying phrase has been added to the beginning of the previously printed second sentence, now to be the third sentence. The second and third sentences now read as follows: "As of January 1, 1991, there shall be a minimum of one certified supervisor at each establishment at all times food is handled. Until January 1, 1991, a A minimum of one, full-time certified ~~person~~ supervisor shall be required at each establishment ~~is required~~; provided, however:"

In Section 750.1820(b)(4), the number "2" has been added in the right hand column under "Hours."

In Section 750.1820(c), the third word in the sentence has been changed from "Monitored by an Department ... " to "Monitored by a Department ... ."

Section 750.1830(d), a new sentence has been added to the end of the section. This new sentence reads "The submitted syllabi shall be provisionally approved until the instructor is otherwise notified in writing by the Department."

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The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

The following has been added to the main source note: "amended at 7 Ill. Reg. 16415, effective November 23, 1983;".

The term "foodservice" has been divided to read "food service" throughout this Part.

In Section 750.10, the term "per week" has been added after "30 hours" in the definition of "full time." Additionally, this Section has been underscored to indicate new language to this Part.

In Section 750.10, in the definition of "safe materials", the phrase "(21 U.S.C. 301 et seq.)" has been added after the phrase "Federal Food, Drug and Cosmetic Act."

In Section 750.10, the spelling of "provide" in the definition of "Sanitization" has been corrected.

In Section 750.20(b), the word "regulatory" replaces the word "health" in the first sentence.

The following was added after Section 750.20(d):

1) The approval process requires any regulatory authority who seeks to use an alternate scoring system to submit a complete description of the alternate to the Director for consideration. The application/approval process consists of the following:

   A) A descriptive statement provided by the applicant shall indicate that the alternate scoring system evaluates all items on the Retail Food Sanitation Inspection Report (Form IL 482-0200) and all sections of the Food Service Sanitation and Retail Food Store Sanitation Codes.

   B) A printed example of the proposed alternate scoring system shall be provided.

   C) An examination of the applicant's form must show that all other aspects of the form besides the alternate scoring system are still substantially similar to the form found in Appendix A (Form IL 482-0200).

   D) Providing the application fulfills subsections (A) through (C) above, notification will be provided by the Director in writing that the alternate scoring system is approved and may be incorporated into the regulatory authority's Retail Food Sanitary Inspection form.

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2) The Illinois Department of Public Health method for determining the number of debit points is patterned after the United States Food and Drug Administration model. A perfect score is 100 points. Each violation is categorized ("item" number column on the inspection form) and has a corresponding value which is deducted from the 100 point score ("weight" column on the inspection form).

The following was added after the second sentence of Section 750.1810(e):

The following are examples of proof of such attendance:

1) A college transcript with course description, or
2) A certificate of completion of the course with the course description.

Section 750.1815 has been changed to read as follows:

a) The Department shall monitor the performance of all instructors. The Department shall consider the following in granting and revoking approval of certificates for all instructors:

1) instructor performance
2) inability to effectively communicate information to the course participants; and
3) violations of this Part.

b) The holder of said certificate shall be given the opportunity for a hearing before the regulatory authority pursuant to the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

In Section 750.1820(a), the word "reveal" has been changed to read "reveals."

In Section 750.1820(b)(1)(A) and (B); (2)(A) through (D); (3)(A) and (B); (4)(A) and (5)(A) through (C), all words following the colon have been changed to lower-case letters.

In Section 750.1830(d), the term "State approved" has been hyphenated.

In Section 750.1838, the word "may" has been replaced with the word "shall".

In Section 750.1862(a), the sentence "Secured" means that access to the examination is essentially limited to the monitor of the examination or an agent of the Department." has been added.

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In Section 750.1865(c) the following has been added:

"The Department shall revoke permission to serve as a monitor in the event of a breach of test security, provision of assistance to examinants, repeated failure to return exams within a timely manner, cheating, changing of students' answers, duplicating test materials, and otherwise failing to comply with this Part."

Section 750.1865(d) has been changed to read "The monitor shall confirm the identity of the individual who wishes to take the examination by photograph identification, driver's license or student identification card. In the event that the individual does not have a photographic identification card, a legal document which bears the individual's signature shall be acceptable."

The following changes were made in response to comments and suggestions of the Administrative Code Division:

In Section 750.20(d), line 2, "Illinois" has been deleted from the heading of the Part.

In Section 750.1700, the heading in the table of contents which read "Single-Service Articles" has been changed to "Single Service Articles" in order to match the heading in the text.

In Section 750.1820(b)(4)(A), the labels on the fourth level subsections have been changed to small Roman numerals.

In Section 750.1820(b)(4)(A)(i), the word "Illinois" has been added to the front of the title of the Act to read "Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat., 1987, ch. 56 1/2, par. 501 et. seq.)."

In Section 750.1820(b)(4)(A)(iii), the Title number of the Code citation has been changed to read "Meat and Poultry Inspection Code (8 Ill. Adm. Code 125)."

In Section 750.1820(b)(4)(B), the period following the label has been changed to a parenthesis.

In Section 750.1820(c), the period following the label has been changed to a parenthesis.

In Section 750.1820(c), the label has been deleted from the third level subsection.

In Section 750.1830(c), the period following the label has been changed to a parenthesis.

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In Section 750.1835(a), "Portions 5A and 5C, as defined in Section 750.1820 shall be ..." has been changed to read "The portions as defined in Section 750.1820(b)(5)(A) and (C) shall be ... ."

In Section 750.1860, the text has been moved to the 1 inch left hand margin.

In Section 750.1862, the label for subsection (b) has been underscored.

In Section 750.1870, the heading in the table of contents which reads "Retest Class" has been changed to "Re-test Class" in order to match the heading in the text.

In Section 750.1890, the word "Illinois" has been deleted from the heading of the Part and "Rules and Regulations" has been changed to "Code."

Two original copies of the form in Appendix A have been submitted for filing and publication.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect? No.

14) Are there any other Amendments Pending on this Part? No.

15) Summary and Purpose of Rules:

The Department has updated the rules for Food Service Sanitation. These rules create a new definition and clarify requirements for the Food Service Sanitation Manager Certification program, specifically, the conditions for instructor approval and disapproval; course content, length of education, approval and disapproval; notification examination date and class enrollment; examination criteria, grading and monitoring; reciprocity agreements with other regulatory bodies and industry; certificates, and renewal of certificates.

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The cost of the Food Service Sanitation Manager Certification course, i.e. instructor, room and materials are offset by the charge to the student, which ranges from $30 to $120. Most facilities offering the course do so at a profit.

The Department has also required that the written inspection report, informing the operator of a food service facility of the inspector's findings, be fairly uniform across the state and that the operator have a clear understanding of the Department's authority to inspect the facility.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane,
Division of Governmental Affairs,
Department of Public Health,
525 West Jefferson, Second Floor,
Springfield, Illinois 62761
217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 750
FOOD SERVICE SANITATION CODE

SUBPART A: GENERAL PROVISIONS

SUBPART B: FOOD SUPPLIES

SUBPART C: PERSONNEL

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SUBPART D: EQUIPMENT AND UTENSILS

SUBPART E: CLEANING, SANITIZING, AND STORAGE OF EQUIPMENT AND UTENSILS

SUBPART F: SANITARY FACILITIES AND CONTROLS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Appendix D Permission to Retake Certification Examination Form

AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 501 et. seq.) and "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 67 et. seq.) and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 521) and Section 11.1 of "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 77.1)

SOURCE: Adopted December 23, 1975; amended at 2 Ill. Reg. 19, P. 180, effective May 3, 1978; old rules repealed and new rules adopted and codified at 7 Ill. Reg. 1336, effective January 25, 1983; amended at 7 Ill. Reg. 16415, effective November 23, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 18735 , effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17918, effective December 1, 1988; amended at 13 Ill. Reg. 1819, effective January 30, 1989; amended at 13 Ill. Reg. 18888 , effective December 1, 1989.

SUBPART A: GENERAL PROVISIONS

Section 750.10 Definitions

The following definitions shall apply in the interpretation and the enforcement of this Part:

"Certified food service manager or supervisor" means a person certified in compliance with Section 750.540.

"Commercially prepared sweet baked goods" means an individually portioned and wrapped, non-potentially hazardous yeast or cake type bread, bun, croissant or roll with or without filling and/or icing.

"Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

"Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and

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bactericidal solutions, and other conditions-of-use environment.

"Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

"Employee" means individuals having supervisory or management duties, and any other person working in a food service establishment.

"Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a food service establishment.

"Extensively remodeled" means whenever an existing structure is converted for use as a retail food establishment; any structural additions or alterations to existing establishments; changes, modifications and extensions of plumbing systems, excluding routine maintenance.

"Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Food contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

"Food processing establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

"Food service establishment" means any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen type operations that prepare foods intended for individual portion service. The term does not include lodging facilities serving only a continental breakfast, (a continental breakfast is one limited to only coffee, tea, and/or juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, retail food stores or the location of food vending machines.

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"Full time" means 30 hours per week or the length of time the facility is in operation, whichever is less.

"Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its content after processing.

"Kitchenware" means all multi-use utensils other than tableware.

"Law" includes State and local statutes, ordinances, and regulations.

"Lodging facilities" means any hotel, motel, motor inn, lodge, inn or other quarters which provides temporary sleeping facilities open to the public.

"Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.

"Operational supervision" means the on-site supervision and management of the food service facility, operations, and employees.

"Packaged" means bottled, canned, cartoned, or securely wrapped.

"Person" includes any individual, partnership, corporation, association, or other legal entity.

"Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods which have a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less.

"Pushcart" means a non-self-propelled vehicle limited to serving nonpotentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

"Reconstituted" means dehydrated food products recombined with water or other liquids.

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"Regulatory authority" means the State and/or local enforcement authority or authorities having jurisdiction over the food service establishment.

"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), they are "safe" only if they are used in conformity with regulations established pursuant to Section 409 or Section 706 of the Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act and are used in conformity with all applicable regulations of the Food and Drug Administration.

"Sanitization" means effective bactericidal treatment by a process that provides enough accumalative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level (when those disease organisms which may be present are destroyed so as to prevent transfer) on cleaned food-contact surfaces of utensils and equipment.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Single service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.

"Tableware" means multi-use eating and drinking utensils.

"Temporary food service establishment" means food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

"Utensil" means any implement used in the storage, preparation, transportation, or service of food.

(Source: Amended at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.20 Inspections and Inspection Report

a) All food service establishments are subject to inspection at all times.

b) The operator of the food service establishment shall receive a written report from the regulatory authority at the end of the inspection. The inspection findings shall be reported on the "Retail Food Sanitary Inspection Report", Form IL 482-0200 (see Appendix A) or on a report form substantially similar which, includes at a minimum, the same information and addresses all forty-five (45) items.

c) All forty-five (45) items on the inspection report shall be addressed and rated in accordance with the Food Service Sanitation Code, 77 Ill. Adm. Code 750.

d) An alternate scoring system, as approved by the Director and which evaluates all aspects of the Food Service Sanitation Code, may be substituted for the current scoring system of 100 points minus debit points. This may include systems, for example, where each violation rather than each item is assigned a weight, where an additional point value is debited for lack of the required certified food service manager, where critical violations (to be defined) carry a larger than usual point value because of inherent risk, where separate scoring systems are instituted for critical and non-critical violations, or other effective methods which assist the inspector in making an evaluation of the sanitation level in the food establishment.

1) The approval process requires any regulatory authority who seeks to use an alternate scoring system to submit a complete description of the alternate to the Director for consideration. The application/approval process consists of the following:

A) A descriptive statement provided by the applicant shall indicate that the alternate scoring system evaluates all items on the Retail Food Sanitation Inspection Report (Form IL 482-0200) and all sections of the Food Service Sanitation and Retail Food Store Sanitation Codes.

B) A printed example of the proposed alternate scoring system shall be provided.

C) An examination of the applicant's form must show that all other aspects of the form besides the alternate scoring system are still substantially similar to the form found in Appendix A (Form IL 482-0200).

D) Providing the application fulfills subsections (A) through (C) above, notification will be provided by the Director in writing that the alternate scoring system is approved and may be incorporated into the regulatory authority's Retail Food Sanitary Inspection form.

2) The Illinois Department of Public Health method for determining the number of debit points is patterned after the United States Food and Drug Administration model. A perfect score is 100 points. Each violation is categorized ("item" number column on the inspection form) and has a corresponding value which is deducted from the 100 point score ("weight" column on the inspection form).

(Source:, Added at 13 Ill. Reg. 18888, effective December 1, 1989)

SUBPART C: PERSONNEL

Section 750.540 Management Sanitation Training and Certification

a) All food service establishments as defined in Section 750.10 shall be under the operational supervision of a certified manager or supervisor. As of January 1, 1991, there shall be a minimum of one certified supervisor at each establishment at all times food is handled. Until January 1, 1991, a A minimum of one, full-time certified ~~person~~ supervisor shall be required at each establishment ~~is required~~; provided, however:

1) That new food service establishments shall have six (6) months from the initial day of operation to comply.

2) That food service establishments which are not in compliance because of employee turnover or other loss of certified personnel, shall have three (3) months from date of loss of certified personnel to comply.

b) Certification shall be achieved by successfully completing an department approved course and monitored examination offered by the Illinois Department of Public Health, the Educational Foundation (250 North Wacker Drive, Chicago, Illinois 60606), or the Educational Testing Service (1 Rotary Center, Suite 300, 1560 Sherman Avenue, Evanston, Illinois 60201). ~~or other approved examination monitored by the Department of Public Health or its designated representative. A certificate of Certification will be issued to candidates attaining the passing point as determined by the Department of Public Health~~ An approved course and examination shall be in compliance with Subpart J of this Part.

c) Names and certificate numbers of certified personnel shall be maintained at the place of business and shall be made available for inspection.

~~d) Certificate holders are required to notify the Illinois Department of Public Health of any change of address or status.~~

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~~e) The Illinois Department of Public Health will recognize similar certificates issued by local health departments in Illinois, provided the standards for certification are essentially equivalent and approved by the Department in writing.~~

(Source: Amended at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.550 Management Sanitation Certification Examination (Repealed)

~~a) The examination offered by the Illinois Department of Public Health or other approved examinations to candidates for certification under this Rule must cause the candidate to demonstrate knowledge in food service sanitation, including but not limited to: microbiology; foodborne diseases; laws, rules and regulations; food storage; preparation and service; equipment design and construction; personal hygiene; cleaning and sanitizing procedures; and rodent and insect control.~~

~~b) Training programs to prepare candidates for the examination will be made available throughout the state through cooperation with industry and universities.~~

~~c) Admittance to the examination will be by a certificate of a satisfactory completion of a department approved training course.~~

(Source: Repealed at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.560 Certificate Revocation or Suspension

a) Certificates issued under this Part expire five years from date of issuance. Certificates will be renewed by the Illinois Department of Public Health at the request of the ~~certified manager~~ certificate holder if received by the department ~~within 90 days after the existing~~ prior to the certificate's expiration date.

b) An individual with an expired certificate may attempt an approved and monitored Food Service Sanitation Manager Certification examination once within six months after the expiration date of the original certificate. If the individual does not successfully complete the examination with a final score of 75 or higher, they must complete an approved Food Service Sanitation Manager Certification course before attempting the examination again.

~~b~~c) Any certificate of certification may be revoked or suspended by the State or local health department enforcing this Part when the holder or person under his supervision repeatedly fails to comply with this Part. Prior to such suspension or revocation, the holder of said certificate shall be given the opportunity for a hearing before the

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regulatory authority pursuant to the Department's "Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Amended at 13 Ill. Reg. 18888, effective December 1, 1989)

SUBPART J: FOOD SERVICE SANITATION MANAGER CERTIFICATION

Section 750.1800 General

The Food Service Sanitation Manager Certification program shall comply with the requirements of this Part.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.1810 Instructor Approval

The Food Service Sanitation Manager's Certification course must be taught by a Department approved instructor. The minimum qualifications for a Department approved instructor are:

a) Possession of a high school diploma or its equivalent.

b) Completion of a Department approved Food Service Sanitation Certification course or its equivalent.

c) Completion of the Illinois Department of Public Health, Educational Foundation or the Educational Testing Service's Food service Sanitation Certification monitored examination with a final score of 75% or higher.

d) Completion of the Department Food Service Certification Instructor's examination with a final score of 90% or higher. An individual can attempt the instructor's examination twice. If they do not receive a final score of 90% or higher after the second attempt, they must take an approved Food Service Sanitation Manager Certification course again prior to retaking the instructor's examination.

e) Attendance of at least one five-hour training seminar every two years. The seminar shall cover food safety and sanitation topics. The following are examples of proof of such attendance:

1) A college transcript with course description, or

2) A certificate of completion of the course with the course description.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.1815 Instructor Denial

a) The Department shall monitor the performance of all instructors. The Department shall consider the following in granting and revoking approval of certificates for all instructors:

1) instructor performance

2) inability to effectively communicate information to the course participants; and

3) violations of this Part.

b) The holder of said certificate shall be given the opportunity for a hearing before the regulatory authority pursuant to the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.1820 Course Content

a) The minimum course content and fifteen hours length of training is as follows. The instructor should consider expanding the number of contact hours when a review of the participants reveals learning disabilities, language barriers or other inhibiting factors to learning.

b) Subject Area — Hours

1) Food — 4

A) Foodborne Disease: problem, cause, prevention.

B) Food Protection: source, receipt, storage, preparation, service, transportation.

2) Facilities — 4

A) Sanitary: water and waste disposal, handwashing, plumbing.

B) Cleaning/Sanitizing: dishwashing operations, storage of cleaned equipment and utensils, housekeeping, schedules.

C) Non-food Supplies: single-service items, linens, toxic materials.

D) Physical: building construction, ventilation, lighting, insect/rodent control, safe environment.

3) Food Handlers — 2

A) Personal Hygiene: proper dress, handwashing, habits, exclusion when ill.

B) Food Handling Practices: minimum handling, use of utensils.

4) Codes Related to Food service Establishments — 2

A) Public Health Codes & Regulations: responsibilities affecting operation.

i) Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat., 1987, ch. 56 1/2, par. 501 et. seq.)

ii) Food Service Sanitation Code (77 Ill. Adm. Code 750)

iii) Meat and Poultry Inspection Code (8 Ill. Adm. Code 125) as it pertains to food service establishments.

B) Regulatory Inspection Report and its use as a control tool.

5) Management — 3

A) Self-inspection: promotion, techniques

B) Motivation: planning to meet sanitation guidelines, economics of safe food handling, safety concerns.

C) Personnel Training: management's responsibility, resources, methods.

c) Evaluation Examination — 1

Monitored by a Department employee and/or a Department approved monitor.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.1830 Course Approval

Course approval by the Department is contingent on the following requirements:

a) An approved instructor must teach the course.

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b) An approved institute must sponsor the instructor. Such approved institutions are limited to local health departments, community colleges, universities, institutional training programs or nutrition consultation agencies. Exceptions shall be approved only by the Department based on the instructor's demonstrated ability to provide a location, text books, hand-outs or other references, for example, agreements with bookstores to make references available for sale.

c) An approved course syllabus is to be used. Each course shall meet the standards for content and length of training. The syllabus shall delineate:

1) text book and other teaching materials used

2) methods and locations used for instructions

3) course content

4) topics and length of class meeting

5) method used to determine students participation and presence during the course sessions, examples, sign-up sheets, roster, etc.

d) Instructors shall submit two copies of the syllabus to the Central Office, Division of Food, Drugs and Dairies, and receive approval prior to teaching a State-approved course, or inform the Central Office of the Division of Food, Drugs and Dairies of the institution syllabus they are using. One syllabus shall be retained by the Central Office, the second will be sent to the applicable Regional Office. The submitted syllabi shall be provisionally approved until the instructor is otherwise notified in writing by the Department.

e) The Department's Food Service Sanitation Certification exam shall not be offered to individuals who participated in a non-approved course or who were taught by a non-approved or inactive instructor unless course waiver applies.

f) A course must have a minimum of five students.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

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Section 750.1835 Make Up Work

a) The routine use of home-study preparation to complete the 15 hour course requirement shall not be approved. Make-up work; i.e., home study, is reserved for extraordinary situations, such as illness. Its use shall be reviewed on a case-by-case basis and approved by the instructor prior to the student taking the examination. The portions as defined in Section 750.1820(b)(5)(A) and (C) shall be taught in-class only, no make-up waiver will be approved. No more than four of the state-required course hours may be make-up work.

b) Make-up work will include required text and handout readings and written assignments covering the subject missed in class. The homework shall be graded and returned to the student prior to taking the Food Service Sanitation Certification examination.

c) The class roster will reflect make-up work and its grade for the review of the monitor.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.1836 Home Study

Home study other than make-up work as described in Section 750.1835 shall not be approved in lieu of the minimum 15 hour, in-class course.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.1837 Course Waiver

a) The certification course may be waived by the Department if the individual has taken an equivalent course or combination of courses which is equivalent or exceeds Department standards for course content and length. The individual must submit, to the Department, documentation of the course content (syllabus), length of training, and documentation such as a letter from the instructor, transcript, or certificate indicating course completion. Such training must be completed within five years of applying for the Department certificate.

b) If the individual satisfies the above stipulations, they may take the Department certification examination once without taking a Department-approved course. If they do not pass the exam, they must take a Department-approved course prior to taking the examination again.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

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Section 750.1838 Course Denial

Approval of a course shall be cancelled based on performance of students taking the exam. A failure rate of 33% or higher of the participants in two consecutive classes or in three out of five classes shall be grounds for course disapproval. Department staff shall work closely with each new instructor and assist any instructor with course review or presentation techniques when a second, high failure class is noted.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.1840 Reciprocity

a) The Department will recognize similar course work and/or certificates and develop reciprocity agreements or similar approval agreements with industry, state or local health departments, provided that:

1) the course work or certificate was completed within five (5) years of applying for an Illinois Food Service Sanitation Manager certificate, and

2) the standards for certification are essentially equivalent to Section 750.1820 through Section 750.1836, and

3) the reciprocal course and/or certificate is approved by the Department in writing.

b) Reciprocity agreements shall be reviewed on an annual basis.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.1850 Certification Examination

The examination shall reflect the course content and be used as a measure of the candidate's knowledge of food service sanitation. In addition, examination formulation shall follow the following guidelines:

a) Questions must be proportionate to the subject areas included under Course Content and Length of Training guidelines delineated under Section 750.1820.

b) The question format shall be multiple choice.

c) New forms of the examination must be pretested to identify questions that could possibly be misinterpreted by candidates.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

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Section 750.1860 Examination Notification

The instructor shall complete and submit an "Examination Date Notification" form (see Appendix B) to the Department at least 30 days prior to the examination.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.1861 Class Enrollment Form

a) The instructor shall submit a completed "Class Enrollment" form (see Appendix C) at the time of the examination. The presence of a student's name on this list is the instructor's verification that the individual completed the required course. The monitor shall confirm the list with the class roster.

b) The names shall be listed on the enrollment form in alphabetical order.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.1862 Administration of Examination

a) The examinations shall be stored and administered under secure conditions. They shall be inventoried prior to and immediately following each administration of the examination. "Secured" means that access to the examination is essentially limited to the monitor of the examination or an agent of the Department.

b) Location of the exams shall be monitored and kept in a log at all times. The State of Illinois Food Service Sanitation Manager Certification exams shall not be out of the Department for more than 10 days. Exams shall be sent by Certified Mail, UPS, hand delivered or other method approved by the Department.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.1865 Monitors

a) There shall be one monitor for every 35 students taking the examination.

b) Approved monitors shall be restricted to individuals in one of the following groups:

1) Illinois Department of Public Health personnel

2) Local Health Department personnel

3) State institution personnel; i.e. Department of Corrections

4) Community colleges or universities

5) Representatives of the Educational Foundation or Educational Testing Service who are monitoring their agency's examinations

c) The Department reserves the right to determine who may function in the role as a monitor. The Department shall revoke permission to serve as a monitor in the event of a breach of test security, provision of assistance to examinants, repeated failure to return exams within a timely manner, cheating, changing of students' answers, duplicating test materials, and otherwise failing to comply with this Part.

d) The monitor shall confirm the identity of the individual who wishes to take the examination by photograph identification, driver's license or student identification card. In the event that the individual does not have a photographic identification card, a legal document which bears the individual's signature shall be acceptable.

e) The monitor shall confirm that the individual has taken an approved course prior to retaking the exam in one or more of the following methods:

1) Instructor at the exam site will confirm that he/she instructed the individual.

2) Individual submits the Department fail letter sent to him and the monitor confirms the name and address on the letter against the person's identification.

3) Individual submits the "Permission To Retake Certification Examination" form (See Appendix D) which has been signed by the instructor. The monitor must confirm the name listed on the form with the person's identification.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.1868 Cheating

a) An individual determined to have cheated on the Certification examination shall not be entitled to certification. The individual must retake an approved course before taking the examination again.

b) An individual determined to have cheated on the Instructor's examination shall not be certified as an instructor.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.1870 Re-test Class

The Department reserves the right to approve or reject retest requests and to retest individuals or a class:

a) if it appears that there was substantial probability that cheating occurred.

b) if it appears that the examination integrity was compromised.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.1876 Dictionary

An individual who speaks English as a secondary language may use a dictionary which translates English to the native language.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.1880 Retake Examination

a) An individual shall only retake the exam twice. If the person does not pass the exam after three attempts, they must again take an approved course prior to taking the exam. All attempts at retaking the examination must be completed within six months of completing the course.

b) An individual may retake the examination by scheduling it with the Department, or with another approved class, if first approved by the class instructor.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

Section 750.1890 Certificates

The certificates will be valid for five years unless revoked under Section 750.560 of the Food Service Sanitation Code.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

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Section 750.1895 Change of Address

Certificate holders shall inform the Department of any name or address changes. Legal documentation such as marriage certificate, divorce decree or court approved name change shall be provided for any name change.

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

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Appendix A Retail Food Sanitary Inspection Report

☐ Food Service Establishment
☐ Retail Food Store
☐ Temporary
☐ Mobile

Illinois Department of Public Health
Division of Food, Drugs and Dairies
525 West Jefferson Street, Springfield, IL 62761
Phone: (217)785-2439

RETAIL FOOD SANITARY INSPECTION REPORT

Establishment Number_____
Telephone_____
☐ Original Inspection
☐ Follow-up Inspection
☐ Other_____

Name of Establishment_____ Owner/Agent_____

Address_____ City_____ Zip Code_____

Based on an Inspection this day, the items marked below identify violations of the Illinois Food, Drug and Cosmetic Act and/or the Sanitary Inspection Law and Rules Promulgated under these acts. Failure to correct these violations within the time specified may result in prosecution under the Enforcement Provisions of these acts. * = Critical Items Requiring Immediate Correction.

ITEM	X	WT	DESCRIPTION
			FOOD
*1		5	Source, Wholesome, No Spoilage
2		1	Original Container, Properly Labeled
			FOOD PROTECTION
*3		5	Potentially hazardous food meets, temperature requirements during storage preparation, display, service and transportation
*4		4	Facilities to maintain product temperature
5		1	Thermometers provided and conspicuous
6		2	Potentially hazardous food properly thawed
*7		4	Unwrapped and potentially hazardous food not re-served,CROSS CONTAMINATION
8		2	Food protection during storage, preparation, display, service and transportation
9		2	Handling of food (ice) minimized, methods
10		1	Food (ice) dispensing utensils properly stored
			PERSONNEL
*11		5	Personnel with infections restricted
*12		5	Hands washed and clean, good hygienic practices
13		1	Clean clothes, hair restraints
			FOOD EQUIPMENT AND UTENSILS
14		2	Food (ice) contact surfaces: designed, constructed, maintained, installed, located
15		1	Non-Food contact surfaces: designed, constructed, maintained, installed, located
16		2	Dishwashing facilities: designed, constructed, maintained, installed, located, operated
17		1	Accurate Thermometers, chemical test kits provided, gauge cock
18		1	Pre-flushed, scraped, soaked
19		2	Wash, rinse water: clean, proper temperature
*20		4	Sanitization rinse: clean, temperature, concentration
21		1	Wiping cloths: clean, use restricted
22		2	Food-contact surfaces of equipment and utensils clean, free of abrasives and detergents
23		1	Non-food contact surfaces of equipment and utensils clean
24		1	Storage, handling of clean equipment--utensils
25		1	Single-service articles, storage, dispensing
26		2	No re-use of single-service articles
			WATER
*27		5	Water source, safe. Hot and cold under pressure
			SEWAGE
*28		4	Sewage and waste water disposal
			PLUMBING
29		1	Installed, maintained
*30		5	Cross-connection, back siphonage, back flow
			TOILET AND HAND-WASHING FACILITIES
*31		4	Number, convenient, accessible, designed, installed
32		2	Toilet rooms enclosed, self-closing doors, fixtures, good repair, clean: Hand cleanser, sanitary towels/hand drying devices provided, proper waste receptacles, trash
			GARBAGE AND REFUSE DISPOSAL
33		2	Containers or receptacles covered: adequate number, insect/rodent proof, frequency, clean
34		1	Outside storage area, enclosures properly constructed, clean; controlled incineration
			INSECT, RODENT ANIMAL CONTROL
*35		4	Presence of insects/rodents – outer openings protected, no birds, turtles, other animals
			FLOORS, WALLS AND CEILINGS
36		1	Floors: constructed, drained, clean, good repair, covering installation, dustless cleaning methods
37		1	Walls, ceiling, attached equipment: constructed good repair, clean surfaces, dustless cleaning methods
			LIGHTING
38		1	Lighting provided as required – Fixtures shielded
			VENTILATION
39		1	Rooms and equipment – vented as required
			DRESSING ROOMS
40		1	Rooms clean, lockers provided, facilities clean
			OTHER OPERATIONS
*41		5	Toxic items properly stored, labeled and used
42		1	Premises: maintained, free of litter, unnecessary articles, cleaning/maintenance equipment properly stored; authorized personnel
43		1	Complete separation from living/sleeping quarters, laundry
44		1	Clean, soiled linen properly stored
*45			Management personnel certified Yes_____ No_____

Temperatures: Temp/PPM Chemical_____ Hot Foods_____ Cold Foods_____

Manager Certification No: _____

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Appendix A Retail Food Sanitary Inspection Report (continued)

ITEM	Remarks and Recommendations For Corrections	CORRECTED BY

Received by/Title: _____
(Signature of Owner or Representative)

Sanitation Score _____ (100 Minus Demerits) Date _____

Time In _____ Time Out _____ By _____
(Sanitarian

IL 482-0200 Page ___ of ___

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Appendix B Examination Date Notification Form

FOOD SERVICE MANAGER CERTIFICATION

Examination Date Notification

EXAMINATION DATE _____ TYPE: State _____

EXAMINATION TIME _____ Other (specify) _____

INSTRUCTOR: _____

LOCATION _____

ROOM NUMBER _____

ADDRESS _____

SPONSOR (INSTITUTION) NAME _____

CONTACT PERSON _____

ADDRESS _____

TELEPHONE _____

NUMBER OF APPLICANTS _____

INCLUDE MAP AND/OR DIRECTIONS TO SITE:
PLEASE INDICATE PARKING

(Regional Use)

MONITORED ASSIGNED _____

*Submit 30 days prior to the examination date to assure that a monitor can be scheduled and/or exams will be available.

IL 482-0489

1499K/45K

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Appendix C Class Enrollment Form

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
OFFICE OF HEALTH PROTECTION
DIVISION OF FOOD, DRUGS AND DAIRIES

M E M O R A N D U M

TO: Illinois Department of Public Health
Division of Food, Drugs and Dairies

FROM: Region

DATE:

SUBJECT: Class Enrollment Form
Monitoring of Approved Food Sanitation Examination
for Certification of Food Service Personnel

On _____, I monitored/administered the (State) Education Foundation
(Circle One)
at _____. Course instruction was provided by:
(City, College, School)
Instructor's Name _____ Representing _____
Address _____
City and Zip Code _____
Phone Number _____. Total number of persons who took the examination _____. Number of these which are retake examinations _____
Mail Results to: _____
(College - Instructor - Region)

NAME (List Alphabetically)	ADDRESS	ZIPCODE	RETAKE	SCORE
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

_____ _____
Instructor's Signature Monitor's Signature

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Appendix D Permission to Retake Certification Examination Form

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

OFFICE OF HEALTH PROTECTION

Request for Permission to Retake

Food Service Manager Certification Examination

Name: _____
(Last) (First) (Middle Initial)

Address: _____

_____

Telephone: _____

Social Security #: _____

Course

School: _____

Instructor: _____

Date of Course: _____ thru _____

Dates of previous exams: First _____

Second _____

Affidavit: I certify that this student has completed my approved Food Service Sanitation Manager's Certification course.

Signature: _____
(Instructor)

2609K

(Source: Added at 13 Ill. Reg. 18888, effective December 1, 1989)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Eligibility

2) Code Citation: 89 Ill. Adm. Code 552

3) Section Numbers: Adopted Action:

552.35	new section
552.50	amendment
552.60	amendment
552.80	amendment
552.90	amendment

4) Statutory Authority: Sections (a),(b), and (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch.23, pars. 3434 (a),(b), and (k)).

5) Effective Date of Amendments: November 16, 1989

6) Does this rulemaking contain an automatic repeal date?
___ Yes _X_ No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: November 16, 1989

9) Notice of Proposal Published in Illinois Register:

July 14, 1989, 13 Ill. Reg.11177
(issue date)

10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:

A) Statement of Objection: _____, ___Ill. Reg.____
(issue date)

B) Agency Response: _____, ___Ill. Reg._____
(issue date)

C) Date Agency Response Submitted for Approval to JCAR:

11) Difference(s) between proposal and final version: Pursuant to agreements with the Administrative Code Division and the Joint Committee on Administrative Rules, the following changes were made:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

1. In Section 552.35(e)(1) and (4), "(89 Ill Adm. Code 552.30)" was changed to "(Section 552.30)" and "(89 Ill. Adm. Code 552.40)" to "(Section 552.40)"

2. "Individual" was added to the Table of Contents, Section 552.110.

3. In Section 552.35 (d), "in accordance with policy for formal service provision" was replaced with "contained in" following vocational rehabilitation service". "As described in 89 Ill. Adm. Code 597.20" was added after "Business Enterprise Program".

4. In Section 552.35 (e)(3), "as defined in Section 552.30 (a)(2)" was added after "reasonable expectation exists" and "(89 Ill. 552.80)" was changed to "(Section 552.80)".

5. In Section 552.90 (b), a definition of "rehabilitation engineering services" was added.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule(s) currently in effect? No

14) Are there any amendments pending on this Part: No

Section Numbers	Proposed Action	Illinois Register Citation

15) Summary and Purpose of Rule(s): Section 552.35 promulgates the criteria for interim eligibility.

The amendment for Section 552.50 incorporates a language change to emphasize that a vocational and aptitude test is not required for a preliminary diagnostic study.

Section 552.60 is being amended to eliminate the requirement for a current physical examination for a client, because in many cases general medical information can be updated in interviews with the client.

The amendment to Section 552.80 corrects a reference to 89 Ill. Adm. Code 510.

Section 552.90 is being amended to reflect a change in terminology in the Rehabilitation Act of 1973.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 552
ELIGIBILITY

Section

AUTHORITY: Implementing and authorized by Sections 3(a),(b), and (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434(a),(b), and (k)).

SOURCE: Adopted at 9 Ill. Reg. 8792, effective June 10, 1985; amended at 11 Ill. Reg. 2846, effective January 27, 1987; amended at 12 Ill. Reg. 3715, effective January 15, 1988; amended at 12 Ill. Reg. 9711 effective May 23, 1988; amended at 13 Ill. Reg. 9576, effective June 12, 1989; amended at 13 Ill. Reg. 18921, effective November 16, 1989.

Section 552.35 Criteria for Interim Eligibility

a) Prior to the completion of the eligibility determination, interim eligibility may be established when it is anticipated that eligibility can be determined within 90 calendar days of the date of Certification of Eligibility for Interim Services ("Certification") based on the following criteria:

1) presence of severe physical or mental disability which results in a substantial handicap to employment, based on at least one of the following:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

A) a disability observable by the counselor, e.g. amputation, paraplegia, blindness;

B) counselor contact with physicians, psychologists, or other medical professionals;

C) information from a previous vocational rehabilitation file;

D) applicant's self report (including description of disability and functional limitations to employment); and/or

E) verbal or written reports from employers, professionals from other agencies, family members, etc; and

2) the client has the ability to prepare for, obtain and maintain employment. This determination will be based on the information available to the counselor, e.g. grade transcripts; workshop reports; work, medical and personal histories.

b) The Client Financial Analysis will be completed prior to the initiation of interim services and the client will be subject to all financial requirements of formal service provision (89 Ill. Adm. Code 562).

c) Interim eligibility will begin with the date of Certification and may not exceed 90 calendar days. Only one period of interim eligibility will be allowed during the life of the case.

d) During interim eligibility, clients may receive any vocational rehabilitation service contained in 89 Ill. Adm. Code: Chapter IV, Subchapter b, with the exception of a Business Enterprise Program as described in 89 Ill. Adm. Code 597.20.

e) Services on the Individualized Written Rehabilitation Program (IWRP) for interim eligibility will be terminated no later than the end of the interim eligibility period, at which time one of the following must occur:

1) the client is determined to be eligible and services begin under a new IWRP (Section 552.30);

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

2) the client is determined to be ineligible for services, interim services will be terminated, and the client will be informed of the intent to close the case and the availability of Client Assistance Program services (89 Ill. Adm. Code 617.20);

3) extended evaluation is necessary to determine that reasonable expectation exists as defined in Section 552.30(a)(2)and an IWRP for extended evaluation will be initiated (Section 552.80); or

4) eligibility has not been determined and all services, except diagnostics to determine eligibility, shall cease (Section 552.40).

(Added at 13 Ill. Reg. 18921, effective Nov. 16, 1989)

Section 552.50 Preliminary Diagnostic Study

The Preliminary Diagnostic Study shall consist of medical and psychological examinations, an evaluation by the counselor of the medical and psychological information in file, and a vocational assessment ~~consisting of~~ which may include vocational interest and aptitude testing to determine:

a) whether the individual has a physical or mental disability which for that individual constitutes or results in a substantial handicap to employment, and

b) whether VR services may reasonably be expected to benefit the individual in terms of employability.

(Source: Amended at 13 Ill. Reg. 18921, effective Nov. 16, 1989)

Section 552.60 Requirement for Current General Medical Information

The preliminary diagnostic study must include a current review of general health status. ~~by a licensed physician or a physician's assistant licensed pursuant to the Physician's Assistants Practice Act (Ill. Rev. Stat. 1987, ch. 111, Pars. 4761 et seq.).~~

(Source: Amended at 13 Ill. Reg. 18921, effective Nov. 16, 1989)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 552.80 Comprehensive Diagnostic Study Decision

a) Upon receipt of the information collected from the preliminary diagnostic study, the counselor will make one of the following decisions using the standards set forth in Section 552.30(a):

1) if a determination of whether vocational rehabilitation services might benefit the individual in terms of employability cannot be made, a certification authorizing an extended evaluation will be issued. An extended evaluation is a period of time required to evaluate rehabilitative potential, but not to exceed 18 months. The counselor shall review the case file information at least every 90 days to determine if the client meets the eligibility criteria contained in Section 552.30(a).

2) the applicant is eligible.

3) the applicant is ineligible.

4) case closure for reason other than ineligibility (see 89 Ill. Adm. Code 617.20).

b) The client can appeal this decision, as set forth in 89 Ill. Adm. Code ~~512~~ 510.

(Source: Amended at 13 Ill. Reg. 18921, effective Nov. 16, 1989)

Section 552.90 Thorough Diagnostic Study

~~When~~ After an individual~~'s~~ has been determined eligible ~~eligibility~~ for vocational rehabilitation services, ~~has been determined,~~ there ~~is~~ will be a Thorough Diagnostic Study to determine the nature and scope of services needed by the individual. The counselor will determines the extent of the Thorough Diagnostic Study based on the client's physical or mental disabilities and the results of the preliminary diagnostic study.

a) This Study is a comprehensive evaluation, in all cases to the degree needed, of the individual's employability, personality, intelligence level, educational achievement, work experience, personal, vocational, and social adjustment, employment

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

opportunities, recreational opportunities, and other pertinent data helpful in determining the nature and scope of services needed.

b) The Study shall also include, as appropriate for each individual, an appraisal of the individual's pattern of work behavior, ability to acquire occupational skills, ~~and~~ capacity for successful job performance, and the need for rehabilitation engineering services (i.e., the application of technologies, engineering methodologies or scientific principles to meet the needs of and address the barriers confronted by persons with disabilities).

(Source: Amended at 13 Ill. Reg. 18921, effective Nov. 16, 1989)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Non-Financial Eligibility Criteria

2) Code Citation: 89 Lll. Adm. Code 685

3) Section Numbers: Adopted Action:

685.600 amendment

4) Statutory Authority: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, par. 3434(g))

5) Effective Date of Amendments: November 16, 1989

6) Does this rulemaking contain an automatic repeal date?
___ Yes _X_ No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: November 16, 1989

9) Notice of Proposal Published in Illinois Register:

July 28, 1989 (issue date), 13 Ill. Reg. 12538

10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:

A) Statement of Objection: _____ (issue date), ___Ill. Reg.____

B) Agency Response: _____ (issue date), ___Ill. Reg._____

C) Date Agency Response Submitted for Approval to JCAR:

11) Difference(s) between proposal and final version: Pursuant to a recommendation by the Administrative Code Division, the following change was made:

A comma was added after "1983", in Section 685.600(b), line 5.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
No changes were necessary.

13) Will this rule replace an Emergency Rule(s) currently in effect? No

14) Are there any amendments pending on this Part: No

Section Numbers	Proposed Action	Illinois Register Citation

15) Summary and Purpose of Rule(s): The amendment to Section 685.600 replaces the term "service cost limitation" with "service cost maximum".

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 685
NON-FINANCIAL ELIGIBILITY CRITERIA

Section
685.10 Application of Non-Financial Requirements
685.100 Citizenship
685.200 Residence
685.300 Age
685.400 Disability
685.500 Need for Long-Term Care
685.600 Service Cost ~~Limitation~~ Maximum
APPENDIX A Institutional Cost Tables

AUTHORITY: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, par. 3434(g)).

SOURCE: Adopted and codified at 7 Ill. Reg. 8898, effective July 18, 1983; amended at 8 Ill. Reg. 15967, effective August 31, 1984; amended at 9 Ill. Reg. 9167, effective June 4, 1985; amended at 13 Ill. Reg. 5158, effective March 31, 1989; amended at 13 Ill. Reg. 18929, effective Nov. 16, 1989.

Section 685.600 Service Cost ~~Limitation~~ Maximum

a) If all other factors of eligibility are met, local office staff will prepare an individualized service plan for each client to address all unmet service needs of the client as measured by the Determination of Need Scale and according to the provisions of 89 Ill. Adm. Code 700. The cost of the required services on this plan may not exceed the amount the state would expect to pay for the institutional care of a client having similar scores on the Determination of Need Scale, which is delineated as follows:

Total Determination of Need Score	Service Cost ~~Limitation~~ Maximum
18 through 27	No more than $ 406
28 through 32	No more than $ 539
33 through 45	No more than $ 673
46 through 56	No more than $ 748
57 through 67	No more than $ 896

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

68 through 78	No more than $ 1,052
79 through 87	No more than $ 1,139
88 through 96	No more than $ 1,225

b) Certain cases on hand June 30, 1983, which have case costs that exceed the maximum projected monthly institutional cost, may continue to be subject only to the institutional cost standards in force prior to July 1, 1983, (see Appendix A). All cases on hand June 30, 1983, will otherwise be subject to this and all other eligibility criteria stated in 89 Ill. Adm. Code: Chapter IV, Subchapter d.

c) Where changes of service needs are temporary and do not otherwise require a redetermination, an average monthly cost will be used to accommodate situations in which a client temporarily has a service need where costs would exceed the projected monthly institutional cost, but where the average monthly service cost over a 12 month period would be within the allowable maximums. For the purposes of this provision, the 12 month period would include the 11 previous months, if applicable, plus the month of the temporarily increased service cost. This determination of average cost will be conducted for each month of service in which the service cost exceeds the monthly maximum.

d) Denial of HSP Service Eligibility

1) Eligibility for HSP services is to be denied if:

A) The client's physician will not certify the safety of serving the client at home.

B) The services necessary to an adequate service plan are not available or cannot be provided.

C) The service plan cannot be designed by local office staff to adequately meet the client's essential needs within the service cost ~~limitation~~ maximum.

2) Where clients are denied services for any of these reasons, the client shall be referred for assistance to a local social service agency, local home health agency or visiting nurses association if the client refuses needed institutional care.

(Source: Amended at 13 Ill. Reg. 18929, effective Nov. 16, 1989)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Similar Benefits

2) Code Citation: 89 Ill. Adm. Code 567

3) Section Numbers: Adopted Action:

567.30 amendment

4) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3434(a), (b), and (k)), 29 U.S.C. 721(a)(8), and 34 CFR 361.47(b).

5) Effective Date of Amendments: November 16, 1989

6) Does this rulemaking contain an automatic repeal date?
___ Yes X No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: November 16, 1989

9) Notice of Proposal Published in Illinois Register:

June 30, 1989 , 13 Ill. Reg. 10175
(issue date)

10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:

A) Statement of Objection: _____, ___Ill. Reg.____
(issue date)

B) Agency Response: _____, ___Ill. Reg._____
(issue date)

C) Date Agency Response Submitted for Approval to JCAR:

11) Difference(s) between proposal and final version: Pursuant to agreements made with the Joint Committee on Administrative Rules, the following changes have been made:

1) The authority note has been updated.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

2) A semi-colon was removed from the introduction to Section 567.30, and replaced with a colon.

3) All subsections which were re-lettered, now show the former letter stricken through and the new letters underlined.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule(s) currently in effect? No

14) Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation

15) Summary and Purpose of Rule(s): This amendment states that similar benefits need not be sought if VR services would be delayed to a client who is at extreme medical risk, and to add rehabilitation engineering service as a service which doesn't require a search for similar benefits.

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 567
SIMILAR BENEFITS

Section
567.10 General Applicability
567.20 Definition of Similar Benefits
567.30 Exceptions to Similar Benefits
567.100 Refusal of Similar Benefits

AUTHORITY: Implementing and authorized by Sections 3(a),(b), and (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1988 Supp., ch. 23, pars. 3434(a),(b), and (k)), 29 U.S.C. 721(a)(8), and 34 CFR 361.47(b).

SOURCE: Adopted at 9 Ill. Reg. 8839, effective June 10, 1985; amended at 11 Ill. Reg. 820, effective December 23, 1986; amended at 12 Ill. Reg. 3019, effective January 15, 1988; amended at 13 Ill. Reg. 9590, effective June 12, 1989; amended at 13 Ill. Reg. 18933, effective Nov. 16, 1989.

Section 567.30 Exceptions to Similar Benefits

Similar benefits must be pursued for all services except ~~(with the following exceptions) insofar as they are adequate and do not interfere with achieving the client's rehabilitation objective:~~

a) if a search for similar benefits would delay the provision of VR services to a client who is at extreme medical risk, based upon medical evidence provided by an appropriately licensed medical professional;

~~a)~~b) evaluation of vocational rehabilitation potential;

~~b)~~c) counseling, guidance, referral, and placement;

~~c)~~d) vocational and other training services, (e.g., on-the-job training, work adjustment training including at a rehabilitation facility or nine month pre-vocational program for hearing impaired at Northern Illinois University, and work experience from the Secondary ~~Work~~ Transitional Experience Program) which are not provided in institutions of higher education (e.g., universities, colleges, vocational schools, technical institutes, or hospital schools of nursing);

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

e) rehabilitation engineering services (i.e., the application of technologies, engineering methodologies or scientific principles to meet the needs of and address the barriers confronted by persons with disabilities); and

~~d)~~f) post-employment services included in subsections (ab), (~~b~~c), ~~and~~ (~~c~~d) and (e) above.

(Source: Amended at 13 Ill. Reg. 18933, effective Nov. 16, 1989)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Vending Stand Program for the Blind

2) Code Citation: 89 Ill. Adm. Code 650

3) Section Numbers: Adopted Action:

650.80 repeal

4) Statutory Authority: Implementing and authorized by "AN ACT in relation to the operation of vending facilities on public and private property by blind persons, and to repeal certain Acts herein named," (Ill. Rev. Stat. 1987, ch.23, par. 3331 et seq.)

5) Effective Date of Rule(s) (Amendments, Repealer): November 16, 1

6) Does this rulemaking contain an automatic repeal date?
___ Yes _X_ No

7) Does this rule (amendment, repealer) contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: November 16, 1989

9) Notice of Proposal Published in Illinois Register:

August 4, 1989 (issue date), 13 Ill. Reg. 12758

10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:

A) Statement of Objection: _____ (issue date), ___Ill. Reg.____

B) Agency Response: _____ (issue date), ___Ill. Reg._____

C) Date Agency Response Submitted for Approval to JCAR:

11) Difference(s) between proposal and final version: No differences.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

13) Will this rule replace an Emergency Rule(s) currently in effect? Yes

14) Are there any amendments pending on this Part: No

Section Numbers	Proposed Action	Illinois Register Citation

15) Summary and Purpose of Rule(s): Section 650.80 is being repealed so that the grievance procedures set out in 89 Ill. Adm. Code 510 may be followed.

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Universities Retirement

2) Code Citation: 80 Ill. Adm. Code 1600

3) Section Number: 1600.50 Adopted Action: Amending

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 108 1/2, pars. 15-101 et seq.)

5) Effective Date of Amendment: November 21, 1989

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: November 21, 1989

9) Notice of Proposal Published in Illinois Register: July 7, 1989, 13 Ill. Reg. 10769

10) Has JCAR issued a Statement of Objections to this amendment? No

11) Difference between proposal and final version:

1. In the Table of Contents, heading of Section 1600.70, the word "Followed" was changed to "followed".
2. The word "accepte" was changed to "accepted" in the last sentence of Section 1600.50.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment:

From August 4, 1971 until January 1, 1984, a new employee could elect not to participate in the System for the first three years of employment. This amendment will permit an employee to purchase credit for this prior service by paying for one year at a time. Before this amendment the employee was required to purchase all three years in a lump sum or in up to 12 equal monthly installments.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

16) Information and questions regarding this adopted amendment shall be directed to:

Donald E. Hoffmeister
Executive Director
State Universities Retirement System
50 Gerty Drive
Champaign, Illinois 61820

The full text of the Adopted Amendment begins on the next page:

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600
UNIVERSITIES RETIREMENT

Section
1600.10 Definitions
1600.20 Dependency of Beneficiaries
1600.30 Crediting Interest on Employee Contributions and Other Reserves
1600.40 Election to Make Contributions During Leave of Absence Without Pay
1600.50 Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.70 Procedures to be followed in Medical Evaluation of Disability Claims
1600.80 Rules of Practice-Nature and Requirements of Formal Hearings
APPENDIX A Chart Outlining Hearing Procedures

AUTHORITY: Implementing and authorized by Article 15 of the Pension Code (Ill. Rev. Stat. 1987, ch. 108 1/2, par. 15-101 et. seq.

SOURCE: Amended September 2, 1977; amended at 2 Ill Reg. 31, p. 53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989.

Section 1600.50 Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant

a) Under the provisions of the Illinois Pension Code, (Ill. Rev. Stat. 1987, ch. 108 1/2, par. 15-101 et seq.), a participant may elect to pay contributions plus interest thereon at the rate established by the Illinois Pension Code covering any period of employment after August 31, 1941, at one-half time~~,~~ or more for an employer covered by the State Universities Retirement System, which preceded the date that he became a participant. ~~Payments may be made in installments of not less than $10 per month; however, complete payment must be made within one year following the date that the first payment is received by the Board. No payment for this service may be accepted after the date the participant begins receiving a retirement annuity.~~

~~b) A participant may elect to pay contributions plus interest thereon at the rate established by the Illinois Pension Code covering~~ and any period of full-time employment with the United States

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED AMENDMENT

government, the government of a state, a political subdivision of a state, or an agency or instrumentality of any of the foregoing, which preceded the date that he became a participant, if he has met the conditions set forth in the Illinois Pension Code. The participant may purchase, during the fiscal year in which his employment terminates or in which his retirement annuity begins, not less than 1/4 year of additional service credit for such employment. If he elects to purchase such credit prior to the fiscal year in which his employment terminates, he must purchase at least one year of additional service credit, unless the total service credit which he is entitled to purchase on the ~~a~~ basis of this ~~public~~ employment is less than one year. No payment may be accepte for this service after the date the participant begins receiving a retirement annuity.

(Source: Amended at 13 Ill. Reg. 18939, effective Nov. 21, 1989)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

STATE BOARD OF EDUCATION

Heading of Part: Learning Assessment and School Improvement Plans

Code Citation: 23 Ill. Adm. Code 210

Section Numbers: 210.100

Date Originally Published in Illinois Register: June 9, 1989
13 Ill. Reg. 8766

At its meeting on November, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee renews its objection to Section 210.100(b)(2) of the rules of the State Board of Education entitled "Learning Assessment and School Improvement Plans" (23 Ill. Adm. Code 210) because, contrary to Section 4.02 of the Illinois Administrative Procedure Act (IAPA), the rules fail to provide the standards used to determine whether the assessment measures used by a local school district allow determination of the degree to which students are meeting objectives, as well as whether the testing methods used by a district are varied, as well as appropriate, for each learning area.

These rules implement Sections 2-3.63, 2-3.64 and 27-1 of the School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 2-3.63, 2-3.64 and 27-1), which require Illinois school districts to develop local expectations for student achievement, local learning objectives that meet or exceed state goals for learning, an assessment system to measure local achievement levels for different learning areas and a system for reporting the results of such assessment. In addition, the rules require each district to develop a school improvement plan, which indicates the measures to be taken should the school district discover that students are not achieving at the desired levels, or that their performance exceeds the expected levels. The existing rules are being amended to require that "assurances" concerning the content of learning assessment and school improvement plans, rather than the plans themselves, be submitted to the Board. In addition, changes in the time frames for the accomplishment of student assessment are proposed.

Section 210.100(b)(2) states that one of the requirements to which a Learning Assessment Plan must conform is that the district's assessment

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

STATE BOARD OF EDUCATION
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procedures be "reasonable and adequate to determine the degree to which students are meeting objectives and reflect a local commitment to using a variety of testing methods as appropriate for each learning area." An objection to identical language contained in Section 210.150(a)(2) of the rules was issued by the Joint Committee at its August 26, 1987 meeting. In the course of that review, the Board was asked to provide the standards by which a Plan's adequacy and reasonableness in determining the degree to which students are meeting objectives would be measured, as well as the standards used to determine whether the testing methods used by a district are varied, as well as appropriate, for each learning area.

The Board representative offered to modify Section 210.150(a)(2) to change the phrase "are reasonable and adequate to determine" to "allow determination of" to obviate the standards problem. She explained that persons monitoring plans for conformance to the rules either possess doctorates in education or have been thoroughly trained in assessment techniques. The professional expertise of these persons would be relied upon to judge whether a given assessment procedure allows a district to determine the degree to which its students meet local objectives. She stated that the expertise of these persons would also be relied upon to determine whether a method was appropriate for a particular learning area. The representative asserted that the variety of testing methods is important, because no single test instrument covers all the skills in a particular area of learning. For instance, in the area of biology, students should be tested by both laboratory and written tests. The "appropriateness" of a test method to a given learning area is "obvious," the representative asserted. As an example, albeit rather exaggerated, of this "obviousness," the Board representative stated that reading skills would not be appropriately tested by administering a test in speaking skills. When asked, however, about the standards the Board would use to evaluate more subtle and, doubtless, common variations of a test's appropriateness for a given subject area, the Board representative asserted that professionals employed by the Board would make these evaluations on the basis of their expertise. The Board representative saw no need to provide standards for requirements that, in the Board's view, were both obvious and easily evaluated by trained Board staff.

The rulemaking under current consideration deletes the language to which the Joint Committee objected in Section 210.150(a)(2) and adds identical language in Section 210.100(b)(2), the only difference being that the introductory language in Section 210.100(a) requires Learning Assessment Plans to "conform to the following requirements," whereas Section 210.150(a) stated that the Board would review each Plan to

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ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

STATE BOARD OF EDUCATION
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"determine whether the Plan meets the following criteria." The Board was again asked to provide the standards to be used when making its determinations, and the Board stated that its response was the same as that provided in the review of the previous rulemaking. The Board again offered to delete "are reasonable and adequate to" in "assessment procedures are reasonable and adequate to determine...."

Section 4.02 of the IAPA requires an agency exercising discretionary powers by rule to include in its rules the standards used to exercise that power. Such standards must be stated as precisely and clearly as practicable. This rule was designed, in part, to inform the affected public of the standards by which its performance would be evaluated, and allows the affected public to comply appropriately with the rules. Section 4.02 also ensures that the rules will not be applied in an arbitrary, capricious or inconsistent manner.

The Board's proffered modification of language in Section 210.100(b)(2) is unacceptable, as was the change proffered in connection with the previous rulemaking, for it does nothing to obviate the question of precisely what factors the Board will use to determine if a plan properly allows determination of the degree to which a district's students are meeting objectives. The provision of standards addressing this issue would prove useful to local districts working to ensure that their plans meet the requirements established by the Board. Similarly, the Board's failure to provide standards used to determine if a district's testing methods are both varied and appropriate provides districts with little guidance in formulating plans. The assertion that professionals will apply their expertise in monitoring plans does not provide districts with any information regarding the specific standards against which their plans will be judged. As a result, decisions could be made in an inconsistent and varied manner. The Board's refusal to provide standards in Section 210.100(b)(2) may trigger the kind of problems that Section 4.02 of the IAPA was meant to avoid. The Joint Committee has previously objected to the Board's failure to provide the requisite standards. The Board refused to modify the rule in response to the Joint Committee's objection and has used the identical language in its current rulemaking. It is therefore appropriate that the Joint Committee reissue its objection.

Therefore, the Joint Committee renews its objection to Section 210.100(b)(2) of the rules of the State Board of Education entitled "Learning Assessment and School Improvement Plans" (23 Ill. Adm. Code 210) because, contrary to Section 4.02 of the Illinois Administrative Procedure Act (IAPA), the rules fail to provide the standards used to

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STATEMENT OF OBJECTION

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determine whether the assessment measures used by a local school district allow determination of the degree to which students are meeting objectives, as well as whether the testing methods used by a district are varied, as well as appropriate, for each learning area.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

Heading of Part: Treatment

Code Citation: 59 Ill. Adm. Code 112

Section Numbers: 112.10
112.20
112.30

Date Originally Published in Illinois Register: June 2, 1989
13 Ill. Reg. 8208

At its meeting on November 16, 1989, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

Objection

The Joint Committee objects to Sections 112.10, 112.20 and 112.30 of the rules of the Department of Mental Health and Developmental Disabilities entitled "Treatment and Habilitation Services" (59 Ill. Adm. Code 112), because the Department has implemented these Sections prior to completion of required rulemaking procedures of the Illinois Administrative Procedure Act, in violation of Sections 4(c), 5(a) and 5.01(c) of the IAPA.

This rulemaking establishes the Department of Mental Health and Developmental Disabilities policies for treatment and habilitation services for recipients who are mentally ill or developmentally disabled. Section 112.10 specifically details the Department's policies concerning utilization review committees which hear facility decisions concerning admission, transfer, or discharge of recipient's at the recipient's request. The utilization review committees are composed of three to seven members representing at least two different clinical professions. Section 112.10 of the proposed rules includes the statutory basis for the utilization review hearings, definitions of words used in the Section, notice requirements, requests for review of denial of admission, objections to a transfer or discharge, utilization review committees, utilization review hearing, standards, the committee's findings of fact, conclusions and

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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recommendations, facility director's decision, and review by the Department director.

As the second revised Nathan v. Levitt consent order in October 1985 appears to have required Departmental development of the "Policy and Procedure Directive 02.01.13.01 (Utilization Review Hearings)", the Department was asked to state whether it was currently implementing Section 112.10, "Utilization review hearings", as well as Section 112.20 "Admission, treatment and habilitation of mentally retarded persons", and Section 112.30, "Recipient physical and dental examinations and informed consent for services," prior to adoption of these rules under Sections 4(c), 5(a) and 5.01(c) of the Illinois Administrative Procedure Act (IAPA). The Department was also asked to provide a copy of Policy and Procedure Directive 02.01.13.01 (Utilization Review Hearings) for Joint Committee review. The Department stated that the services specified in Sections 112.10, 112.20 and 112.30 are parts of services which are already being performed. The Policy and Procedure Directive 02.01.13.01 (Utilization Review Hearings) was developed as a response to Nathan v. Levitt.

A copy of "Policy and Procedure Directive 02.01.13.01 (Utilization Review Hearings)" was provided for Joint Committee review dated "effective February 6, 1986, revised April 8, 1986." The Department stated that this directive follows the Mental Health and Developmental Disabilities Code and was a precursor to Section 112.10. The codification of this policy directive into regulatory language and form was not believed to be prior implementation of these rules, as the Department believed the authorizing statute, the Mental Health and Developmental Disabilities Code, provided it with sufficient authority for its development of such policy regarding Utilization Review Hearings in Section 112.10, as well as Section 112.20 concerning "Admission, treatment and habilitation of mentally retarded persons" and Section 112.30 "Recipient physical and dental examinations and informed consent for services."

The IAPA (Ill. Rev. Stat. 1987, ch. 127, par. 1101 et seq.) prohibits the Department from implementing these rules prior to their adoption in accordance with the rulemaking procedures. Section 4(c) of the IAPA states that "[n]o agency rule is effective against any person or party, nor may it be invoked by the agency for any purpose until it has been made available for public inspection and filed with the Secretary of State as required by this Act." In addition, Section 5(a) of the IAPA provides that "prior to the adoption, amendment or repeal of any rule,

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DEPARTMENT OF MENTAL HEALTH
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each agency shall accomplish the actions required by Section 5.01, 5.02, and 5.03, whichever is applicable" (emphasis added). In this instance the Department chose to implement its rules under the general rulemaking procedures of Section 5.01. The Policy and Procedure Directive was dated 1986 and does fall under the IAPA's definition of rule: "each agency statement of general applicability that implements, applies, interprets or prescribes law or policy...." (emphasis added). The Department, however, did not comply with Section 5.01(c), which prescribes that a rule may not be effective until its adoption, as the policy and procedure directive has been effective for three years prior to the proposal of these rules under Section 5.01. Section 5.01(c) of the IAPA states that "each rule hereafter adopted under this section is effective upon filing, unless a later effective date is required by statute or specified in the rule." The Department has failed to comply with the requirements of Sections 4(c), 5(a) and 5.01(c) prior to invoking the rule. Furthermore, Section 5(b) invalidates agency actions to adopt, amend, or repeal a rule which are not taken in compliance with the IAPA's procedural requirements.

This is not the first time that the Joint Committee has been presented with the issue of rules being invoked prior to adoption in accordance with the IAPA's rulemaking procedures. The Joint Committee has consistently issued objections to agencies which implement amendments prior to adoption of these rules under the general rulemaking procedures of Section 5.01 of the IAPA. The Department erroneously believed that the statute authorized it to develop policies and procedures, that rulemaking was secondary to policy and procedure development, and that it was currently performing services of which these rules were only a part.

The Joint Committee also has received and receives updates to the Policy and Procedures Manuals of a number of agencies. For many years the Department of Public Aid has provided the Joint Committee with current versions and updates of its various Policy and Procedures Manuals. Similarly, the Department of Children and Family Services and the Department of Employment Security have provided copies of their Manuals and routinely provide copies of updates to those Manuals.

Therefore, the Joint Committee objects to Sections 112.10, 112.20 and 112.30 of the rules of the Department of Mental Health and Developmental Disabilities entitled "Treatment and Habilitation Services" (59 Ill. Adm. Code 112), because the Department has implemented these Sections prior to completion of required rulemaking procedures of the Illinois

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Administrative Procedure Act, in violation of Sections 4(c), 5(a) and 5.01(c) of the IAPA.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

Heading of Part: Treatment

Code Citation: 59 Ill. Adm. Code 112

Section Numbers: 112.10
112.20
112.30

Date Originally Published in Illinois Register: June 2, 1989
13 Ill. Reg. 8208

At its meeting on November 16, 1989, the Joint Committee recommended that the Department of Mental Health and Developmental Disabilities provide the Joint Committee with copies of its policy and procedure manuals and place the Joint Committee on its mailing list to routinely receive its policy and procedure directives. The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendations are as follows:

Recommendation 1

The Joint Committee suggests that the Department of Mental Health and Developmental Disabilities provide the Joint Committee with copies of its Policy and Procedures Manuals and place the Joint Committee on its mailing list to routinely receive its Policy and Procedures Directives.

This rulemaking establishes the Department of Mental Health and Developmental Disabilities policies for treatment and habilitation services for recipients who are mentally ill or developmentally disabled. Section 112.10 specifically details the Department's policies concerning utilization review committees which hear facility decisions concerning admission, transfer, or discharge of recipient's at the recipient's request. The utilization review committees are composed of three to seven members representing at least two different clinical professions. Section 112.10 of the proposed rules includes the statutory basis for the utilization review hearings, definitions of words used in the Section, notice requirements, requests for review of denial of admission, objections to a transfer or discharge, utilization review committees, utilization review hearing, standards, the committee's findings of fact, conclusions and

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recommendations, facility director's decision, and review by the Department director.

As the second revised Nathan v. Levitt consent order in October 1985 appears to have required Departmental development of the "Policy and Procedure Directive 02.01.13.01 (Utilization Review Hearings)", the Department was asked to state whether it was currently implementing Section 112.10, "Utilization review hearings", as well as Section 112.20 "Admission, treatment and habilitation of mentally retarded persons", and Section 112.30, "Recipient physical and dental examinations and informed consent for services," prior to adoption of these rules under Sections 4(c), 5(a) and 5.01(c) of the Illinois Administrative Procedure Act (IAPA). The Department was also asked to provide a copy of Policy and Procedure Directive 02.01.13.01 (Utilization Review Hearings) for Joint Committee review. The Department stated that the services specified in Sections 112.10, 112.20 and 112.30 are parts of services which are already being performed. The Policy and Procedure Directive 02.01.13.01 (Utilization Review Hearings) was developed as a response to Nathan v. Levitt.

A copy of "Policy and Procedure Directive 02.01.13.01 (Utilization Review Hearings)" was provided for Joint Committee review dated "effective February 6, 1986, revised April 8, 1986." The Department stated that this directive follows the Mental Health and Developmental Disabilities Code and was a precursor to Section 112.10. The codification of this policy directive into regulatory language and form was not believed to be prior implementation of these rules, as the Department believed the authorizing statute the Mental Health and Developmental Disabilities Code, provided it with sufficient authority for its development of such policy regarding Utilization Review Hearings in Section 112.10, as well as Section 112.20 concerning "Admission, treatment and habilitation of mentally retarded persons" and Section 112.30 "Recipient physical and dental examinations and informed consent for services."

The IAPA (Ill. Rev. Stat. 1987, ch. 127, par. 1101 et seq.) prohibits the Department from implementing these rules prior to their adoption in accordance with the rulemaking procedures. Section 4(c) of the IAPA states that "[n]o agency rule is effective against any person or party, nor may it be invoked by the agency for any purpose until it has been made available for public inspection and filed with the Secretary of State as required by this Act." In addition, Section 5(a) of the IAPA provides that "prior to the adoption, amendment or repeal of any rule,

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each agency shall accomplish the actions required by Section 5.01, 5.02, and 5.03, whichever is applicable" (emphasis added). In this instance the Department chose to implement its rules under the general rulemaking procedures of Section 5.01. The Policy and Procedure Directive was dated 1986 and does fall under the IAPA's definition of rule: "each agency statement of general applicability that implements, applies, interprets or prescribes law or policy...." (emphasis added). The Department, however, did not comply with Section 5.01(c) which prescribes that a rule may not be effective until its adoption, as the policy and procedure directive has been effective for three years prior to the proposal of these rules under Section 5.01. Section 5.01(c) of the IAPA states that "each rule hereafter adopted under this section is effective upon filing, unless a later effective date is required by statute or specified in the rule." The Department has failed to comply with the requirements of Sections 4(c), 5(a) and 5.01(c) prior to invoking the rule. Furthermore, Section 5(b) invalidates agency actions to adopt, amend, or repeal a rule which are not taken in compliance with the IAPA's procedural requirements.

This is not the first time that the Joint Committee has been presented with the issue of rules being invoked prior to adoption in accordance with the IAPA's rulemaking procedures. The Joint Committee has consistently issued objections to agencies which implement amendments prior to adoption of these rules under the general rulemaking procedures of Section 5.01 of the IAPA. The Department erroneously believed that the statute authorized it to develop policies and procedures, that rulemaking was secondary to policy and procedure development, and that it was currently performing services of which these rules were only a part.

The Joint Committee also has received and receives updates to the Policy and Procedures Manuals of a number of agencies. For many years the Department of Public Aid has provided the Joint Committee with current versions and updates of its various Policy and Procedures Manuals. Similarly, the Department of Children and Family Services and the Department of Employment Security have provided copies of their Manuals and routinely provide copies of updates to those Manuals.

Therefore, the Joint Committee suggests that the Department of Mental Health and Development Disabilities provide the Joint Committee with copies of its Policy and Procedures Manuals and place the Joint Committee on its mailing list to routinely receive its Policy and Procedures Directives.

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Recommendation 2

The Joint Committee suggests to the Department of Mental Health and Developmental Disabilities that it work with the Joint Committee to develop a timetable for further rulemaking in the areas of admission, transfer, and discharge of recipients to and from department facilities.

This rulemaking establishes the Department of Mental Health and Developmental Disabilities policies for treatment and habilitation services for recipients who are mentally ill or developmentally disabled. Section 112.10 specifically details the Department's policies concerning utilization review committees which hear facility decisions concerning admission, transfer, or discharge of recipients at the recipient's request. The utilization review committees are composed of three to seven members representing at least two different clinical professions. Section 112.10 of the proposed rules includes the statutory basis for the utilization review hearings, definitions of words used in the Section, notice requirements, requests for review of denial of admission, objections to a transfer or discharge, utilization review committees, utilization review hearing, standards, the committee's findings of fact, conclusions and recommendations, facility director's decision, and review by the Department director.

Section 112.10(h) establishes the standards which the utilization review committees will use to uphold or reverse a facility decision to deny a recipient admission to, transfer to and from, and discharge from a Department facility. These standards for committee review of a facility decision mirror permissive statutory language which states that the Department "may admit, may transfer, or may discharge" recipients, without specifying the conditions under which recipients will be admitted, transfered, and discharged. The Department was asked to clarify in Section 112.10(h) the conditions under which the Department may admit, may transfer and may discharge recipients from Department facilities. The Department stated that the only conditions for admission, transfer or discharge are those stated in the Mental Health and Developmental Disabilities Code, that this decision of "clinical suitability" is left to Department clinicians, and that the Department has no other policy, except statutory definitions.

No standards which detail the framework within which the initial clinician's decision to admit, transfer, or discharge a recipient appear anywhere in the Department's rules, so that the utilization review committee standards to be used in upholding or reversing the

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Department's initial decision establish admission, transfer, and discharge policies by inference - what the committee will accept. The Department's procedures and standards for admission to, transfer to and from, and discharge from one of its facilities should be clearly stated, so that all those recipients affected by the determination will be aware of the Department's interpretation of what constitutes "clinically suitable" conditions for admission to, transfer to and from, and discharge from the Department's facilities. Such standards fall under the definition of rules found in Section 3.09 of the Illinois Administrative Procedure Act (IAPA) which states: "each agency statement of general applicability that implements, applies, interprets or prescribes law or policy... " The Department stated that the utilization review committee standards mirror the statutory language of "may admit," "may transfer," or "may discharge" and was reluctant to clarify the committee standards, because the statutory definitions are the Department's complete policy regarding the utilization review committee.

The Department relies upon its clinicians' decisions to admit, transfer, and discharge recipients, based upon the clinician's determination that the recipient is "clinically suitable" for admission, transfer, or discharge. The Department, in fact, has attempted to define its admission policies and procedures for mentally retarded individuals in Section 112.20, but no specific transfer or discharge policies have been included. Given the Department's reliance upon its clinician's application of a standard of "clinically suitable", for admission, transfer, or discharge to or from a Department facility, further rulemaking was suggested which would attempt to place the Department's clinicians' initial decisions into regulatory language. The utilization review committee reviews the facts supporting the Department's conclusion or the recipient's request based upon "substantial evidence," as specified in Section 112.10(i), which standards would be more concrete, less prone to varying interpretations. The facility director must provide his or her bases for denying admission, transfer or discharging a recipient, as the Department Director must also. These bases are the facts supporting the statutory reasons. If the Department is requiring the utilization review committee, the facility director, and the Director to provide such facts in making a final decision, placing such initial policy determination in its rules as standards for admission, transfer and discharge would provide the Department's complete policy.

The Department representative stated that the Department would be willing to discuss timetables and future rulemaking to clarify its policy concerning admission, transfer, and discharge of recipients from

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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Department facilities. Rather than objecting at this point, it appears to be appropriate that the Committee work with the Department to develop standards.

Therefore, the Joint Committee suggests to the Department of Mental Health and Developmental Disabilities that it work with the Joint Committee to develop a timetable for further rulemaking in the areas of admission, transfer, and discharge of recipients to and from department facilities.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION

DEPARTMENT OF PUBLIC HEALTH

Heading of Part: Long-Term Care Assistants and Aides Training Programs Code

Code Citation: 77 Ill. Adm. Code 395

Section Numbers: 395.130

Date Originally Published in Illinois Register: December 2, 1988
12 Ill. Reg. 19927

At its meeting on November 16, 1989, the Joint Committee recommended that the Department of Mental Health and Developmental Disabilities contact the Joint Committee to discuss the adoption of its policies relating to the above-referenced rulemaking. The Department of Mental Health and Developmental Disabilities should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Joint Committee requests that the Department of Mental Health and Developmental Disabilities contact the Joint Committee to discuss adoption of its policies regarding review of applications for renewal of program approval for long-term care assistants and aides training programs, as rules pursuant to the requirements of the Illinois Administrative Procedure Act.

The Department of Public Health has proposed rules regarding training programs for long-term care assistants and aides conducted by public schools, community colleges, private and vocational schools, and facilities licensed by the Department. The rulemaking sets forth the training program application and approval process, application review process, provisions for placement of a program on inactive status, program operation requirements, certification procedures, procedures for suspension, revocation or denial of program approval, hearing procedures, examination procedures, and curriculum requirements for each training program.

Section 395.130 sets forth provisions regarding annual renewal of program approval, specifying that each year the Department will review each approved training program for renewal of the program approval. Section 395.130(c) provides that the Department of Mental Health and Developmental Disabilities will review applications for program renewal and will recommend to the Department continued approval or disapproval

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DEPARTMENT OF PUBLIC HEALTH
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of Developmental Disabilities Aide Training Programs. The Department of Public Health was asked to provide a citation to the Department of Mental Health and Developmental Disabilities' rules governing this review process. The Department responded that it knows of no such rules. In addition, the Department stated that there is no interagency agreement between the two Departments concerning approval of Departmental Disabilities Aides Training Programs.

Section 3.09 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1003.09) defines "rule" to mean each agency statement of general applicability that implements, applies, interprets, or prescribes law or policy, but does not include statements concerning only the internal management of an agency and not affecting private rights or procedures available to persons or entities outside the agency, informal advisory rulings issued pursuant to Section 9, intra-agency memoranda or the prescription of standardized forms. Section 4 of the IAPA provides that no agency rule is valid or effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been made available for public inspection and filed with the Secretary of State as required by this Act.

If the Department of Mental Health and Developmental Disabilities will be reviewing applications for training program renewal and recommending to the Department continued approval or disapproval of Developmental Disabilities Aide Training Programs, the Department of Mental Health and Developmental Disabilities must have rules governing the review process. The review of program renewal and the determination of whether to recommend approval or disapproval of a program are agency policies that may be categorized under the IAPA's definition of "rule". Without rules governing the review process, the Department of Mental Health and Developmental Disabilities would be implementing policies not in rules.

Therefore, the Joint Committee requests that the Department of Mental Health and Developmental Disabilities contact the Joint Committee to discuss adoption of its policies regarding review of applications for renewal of program approval for long-term care assistants and aides training programs, as rules pursuant to the requirements of the Illinois Administrative Procedure Act.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC AID

Heading of Part: Aid to Families with Dependent Children

Code Citation: 89 Ill. Adm. Code 112

Section Numbers: 112.154

Date Originally Published in Illinois Register: October 13, 1989
13 Ill. Reg. 16142

At its meeting on November 16, 1989, the Joint Committee on Administrative Rules objected to the above emergency rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Joint Committee objects to the emergency amendment of Section 112.154 of the Aid to Families with Dependent Children rules of the Department of Public Aid because, contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act, any emergency situation which may exist has been created by the failure of the Department to pursue normal rulemaking through the procedures of Section 5.01 of the IAPA in a timely manner.

This emergency rulemaking amends the Department's rules governing property transfers and how such transfers are treated for purposes of determining eligibility for the Aid to Families with Dependent Children program. This emergency rulemaking is in response to the federal Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360, July 1, 1988).

The Department was asked to explain the threat to the public interest, safety or welfare that required the use of emergency rulemaking in this instance. The Department advised that the rules involve many complex issues which can have a significant budgeting impact on the Department's budget. The Department explained that internal discussions did not resolve how the Department would handle these changes until recently, not in time to implement these changes by October 1, 1989, the date by which the federal law specified the changes had to be effective. As a result, the Department was compelled to utilize emergency rules to meet the federal compliance deadline.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC AID
(Continued Page 2)

Section 5.02 of the Illinois Administrative Procedure Act defines "emergency" as "the existence of any situation which an agency finds reasonably constitutes a threat to the public interest, safety or welfare." The Department's explanation does not seem to justify the use of emergency rulemaking in this instance.

Public Law 100-360 had a July 1, 1988 signing date. Section 303 of that federal enactment provides in Section 303(g) that the federal amendments become effective on or after September 30, 1989. The Department had well over a year to develop rules at the state level to implement these federal changes and have those changes adopted through the normal rulemaking procedures of Section 5.01 of the IAPA.

The Department notes that in developing State rules it was faced with a number of options as to the manner in which federal requirements were to be implemented. Such a situation makes it even more imperative that the normal rulemaking procedures of the IAPA be used. If the normal rulemaking procedures had been used there would have been the opportunity for comment as to the particular options chosen by the Department to implement the federal law. However, such opportunity for comment was precluded when the Department adopted an emergency rule which was not even published in the Illinois Register until after the date upon when compliance with federal law was required.

It seems clear that in this instance that despite the complexity of the federal law, the Department should have used the normal rulemaking process to implement these rules rather than proceeding by the use of emergency rulemaking.

Therefore, the Joint Committee objects to the emergency amendment of Section 112.154 of the Aid to Families with Dependent Children rules of the Department of Public Aid because, contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act, any emergency situation which may exist has been created by the failure of the Department to pursue normal rulemaking through the procedures of Section 5.01 of the IAPA in a timely manner.

88516142

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC AID

Heading of Part: Aid to the Aged, Blind or Disabled

Code Citation: 89 Ill. Adm. Code 113

Section Numbers: 113.260

Date Originally Published in Illinois Register: September 15, 1989
13 Ill. Reg. 14467

At its meeting on November 16, 1989, the Joint Committee on Administrative Rules objected to the above emergency rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Joint Committee objects to the emergency amendment of Section 113.260 of the Department of Public Aid's rules which set forth sheltered care reimbursement rates because, contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act, the Department has not identified a threat to the public interest, safety or welfare which required the use of emergency rulemaking in this instance.

This emergency rulemaking amended Section 113.130 of the Department of Public Aid rules governing the Aid to the Aged, Blind or Disabled program to increase the sheltered care rates paid by the Department by $3.00 per day effective September 1, 1989.

The Department was asked to explain the threat to the public interest, safety or welfare that required the use of emergency rulemaking in this instance. The Department explained that this emergency rulemaking will provide improved access to sheltered care for Department clients. The Department believes that it is in the public interest and welfare to implement this rulemaking pursuant to the emergency rulemaking process.

Section 5.02 of the Illinois Administrative Procedure Act defines "emergency" as "the existence of any situation which an agency finds reasonably constitutes a threat to the public interest, safety or welfare." The Department's explanation that the increase in the sheltered care rate

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STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC AID
(Continued Page 2)

is in the public interest is not the same as establishing that this rulemaking was necessitated by a threat to the public interest.

The Department advised that the goal of this emergency rulemaking is to provide improved access to sheltered care for Department clients. However, it appears that this goal could have been accomplished by the use of permanent rulemaking through the rulemaking procedures of Section 5.01 of the Illinois Administrative Procedure Act. The Department has provided no evidence that it was some how precluded from using normal rulemaking procedures to implement this modification. While the goal of the rulemaking is laudable and no doubt the rulemaking should be implemented as soon as possible, it nonetheless is true that the use of emergency rulemaking seems to have been improper in this instance.

Therefore, the Joint Committee objects to the emergency amendment of Section 113.260 of the Department of Public Aid's rules which set forth sheltered care reimbursement rates because, contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act, the Department has not identified a threat to the public interest, safety or welfare which required the use of emergency rulemaking in this instance.

88514467

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC AID

Heading of Part: Aid to the Aged, Blind or Disabled

Code Citation: 89 Ill. Adm. Code 113

Section Numbers: 113.154
113.155

Date Originally Published in Illinois Register: October 13, 1989
13 Ill. Reg. 16154

At its meeting on November 16, 1989, the Joint Committee on Administrative Rules objected to the above emergency rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Joint Committee objects to the emergency amendment of Sections 113.154 and 113.155 of the Aid to the Aged, Blind or Disabled rules of the Department of Public Aid because, contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act, any emergency situation which may exist has been created by the failure of the Department to pursue normal rulemaking through the procedures of Section 5.01 of the IAPA in a timely manner.

This emergency rulemaking amends the Department's rules governing property transfers and how such transfers are treated for purposes of determining eligibility for the Aid to the Aged, Blind or Disabled program. This emergency rulemaking is in response to the federal Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360, July 1, 1988).

The Department was asked to explain the threat to the public interest, safety or welfare that required the use of emergency rulemaking in this instance. The Department advised that the rules involve many complex issues which can have a significant budgeting impact on the Department's budget. The Department explained that internal discussions did not resolve how the Department would handle these changes until recently, not in time to implement these changes by October 1, 1989, the date by which the federal law specified the changes had to be effective. As a result, the Department was compelled to utilize emergency rules to meet the federal compliance deadline.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC AID
(Continued Page 2)

Section 5.02 of the Illinois Administrative Procedure Act defines "emergency" as "the existence of any situation which an agency finds reasonably constitutes a threat to the public interest, safety or welfare." The Department's explanation does not seem to justify the use of emergency rulemaking in this instance.

Public Law 100-360 had a July 1, 1988 signing date. Section 303 of that federal enactment provides in Section 303(g) that the federal amendments become effective on or after September 30, 1989. The Department had well over a year to develop rules at the state level to implement these federal changes and have those changes adopted through the normal rulemaking procedures of Section 5.01 of the IAPA.

The Department notes that in developing State rules it was faced with a number of options as to the manner in which federal requirements were to be implemented. Such a situation makes it even more imperative that the normal rulemaking procedures of the IAPA be used. If the normal rulemaking procedures had been used there would have been the opportunity for comment as to the particular options chosen by the Department to implement the federal law. However, such opportunity for comment was precluded when the Department adopted an emergency rule which was not even published in the Illinois Register until after the date upon when compliance with federal law was required.

It seems clear that in this instance that despite the complexity of the federal law, the Department should have used the normal rulemaking process to implement these rules rather than proceeding by the use of emergency rulemaking.

Therefore, the Joint Committee objects to the emergency amendment of Sections 113.154 and 113.155 of the Aid to the Aged, Blind or Disabled rules of the Department of Public Aid because, contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act, any emergency situation which may exist has been created by the failure of the Department to pursue normal rulemaking through the procedures of Section 5.01 of the Illinois Administrative Procedure Act in a timely manner.

88516154

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC AID

Heading of Part: General Assistance

Code Citation: 89 Ill. Adm. Code 114

Section Numbers: 114.270

Date Originally Published in Illinois Register: October 13, 1989
13 Ill. Reg. 16169

At its meeting on November 16, 1989, the Joint Committee on Administrative Rules objected to the above emergency rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Joint Committee objects to the emergency amendment of Section 114.270 of the General Assistance rules of the Department of Public Aid because, contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act, no emergency situation exists which necessitated the adoption of this emergency rulemaking.

This rulemaking amends that portion of the General Assistance rules of the Department of Public Aid governing property transfers. This emergency rulemaking is one of a series of four emergency rulemakings amending the property transfer rules used for determining eligibility under the various programs administered by the Department. The Department indicated that these amendments were triggered by the Federal Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360, July 1, 1988). However, unlike the other three programs amended by parallel emergency rules, the General Assistance program has no federal financial participation. General Assistance is totally state funded.

The Department was asked to explain the threat to the public interest, safety or welfare that required the use of emergency rulemaking in this instance. The Department advised that the rules involve many complex issues which can have a significant budgeting impact on the Department's budget. The Department explained that internal discussions did not resolve how the Department would handle these changes until recently, not in time to implement these changes by October 1, 1989, the date by which the federal law specified the changes had to be effective. As a

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

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(Continued Page 2)

result, the Department was compelled to utilize emergency rules to meet the federal compliance deadline.

The Department was asked to explain why it was necessary to immediately amend these rules governing General Assistance when these rules were not required to be amended as a result of the changes in federal law because General Assistance is state funded. The Department explained that as a practical matter, it would not be possible to amend all the other programs without also amending the General Assistance rules. The Department advised from an administrative standpoint, it is essential to keep all of the programs as closely parallel as is possible.

Section 5.02 of the Illinois Administrative Procedure Act defines "emergency" as "the existence of any situation which an agency finds reasonably constitutes a threat to the public interest, safety or welfare." The Department's explanation does not seem to justify the use of emergency rulemaking in this instance.

Public Law 100-360 had a July 1, 1988 signing date. Section 303 of that federal enactment provides in Section 303(g) that the federal amendments become effective on or after September 30, 1989. The Department had well over a year to develop rules at the State level to implement these federal changes and have those changes adopted through the normal rulemaking procedures of Section 5.01 of the IAPA.

The Department notes that in developing State rules it was faced with a number of options as to the manner in which federal requirements were to be implemented. Such a situation makes it even more imperative that the normal rulemaking procedures of the IAPA be used. If the normal rulemaking procedures had been used there would have been the opportunity for comment as to the particular options chosen by the Department to implement the federal law. However, such opportunity for comment was precluded when the Department adopted an emergency rule which was not even published in the Illinois Register until after the date upon when compliance with federal law was required.

It seems clear that in this instance, even accepting the Department's argument that it would not be practical from an administrative standpoint to amend its other rules without also amending the General Assistance rules, that despite the complexity of the federal law, the Department should have used the normal rulemaking process to implement these rules rather than proceeding by the use of emergency rulemaking.

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Therefore, the Joint Committee objects to the emergency amendment of Section 114.270 of the General Assistance rules of the Department of Public Aid because, contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act, no emergency situation exists which necessitated the adoption of this emergency rulemaking.

88516169

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC AID

Heading of Part: Medical Payment

Code Citation: 89 Ill. Adm. Code 140

Section Numbers: 140.475 140.476 140.477 140.478 140.479 140.480 140.481

Date Originally Published in Illinois Register: September 29, 1989
13 Ill. Reg. 15473

At its meeting on November 16, 1989, the Joint Committee on Administrative Rules objected to the above emergency rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Joint Committee objects to the emergency rulemaking of the Medical Payment rules of the Department of Public Aid (89 Ill. Adm. Code 140) because, contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act, any emergency situation which may exist has been caused by the failure of the Department to pursue normal rulemaking through the procedures of Section 5.01 of the IAPA in a timely manner.

This emergency rulemaking of the Department of Public Aid amends that portion of the Department's medical payment rules which governs the manner and the extent to which the Department will provide reimbursement to providers for the purchase of medical equipment, supplies and prosthetic devices. The rulemaking states that payment will not be made for certain specified durable medical equipment or supplies required by an individual in a long term care facility which are commonly used in patient care and considered as a part of the per diem reimbursement paid by the Department. The rulemaking also provides that in equipment rental situations when total cumulative rental costs exceed the purchase price, the Department considers the equipment paid for in full and the property of the Department.

The Department was asked to explain the threat to the public interest, safety or welfare that required the use of emergency rulemaking in this

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instance. The Department explained that these changes were mandated by the Federal Omnibus Budget Reconciliation Act of 1988 and were effective at the end of 1988. The Department explained that as it was faced with limited staff, its primary motivation was to get the changes in place in as timely a fashion as possible. The Department conceded that this rulemaking was implemented prior to the initiation of emergency rulemaking, and also conceded that the Department had almost a year from the time the federal amendments were effective to develop permanent rules on this subject. The Department advised that it implemented emergency rules on this subject because it was felt that it would constitute a threat to the public interest, safety and welfare to not implement this rulemaking as quickly as possible.

Section 5.02 of the Illinois Administrative Procedure Act defines "emergency" as "the existence of any situation which an agency finds reasonably constitutes a threat to the public interest, safety or welfare." The Department's explanation of the use of emergency rulemaking in this instance seems to clearly indicate that any emergency situation that exists was agency-created. It seems apparent that the resort to emergency rulemaking in this instance was necessitated by the Department's failure to initiate the rulemaking process in a more timely fashion. While it is uncontroverted that the Department is required to initiate vast amounts of rulemaking in response to continually changing state and federal laws, it does not appear that in this instance the Department's use of emergency rulemaking was justified.

Therefore, the Joint Committee objects to the emergency rulemaking of the Medical Payment rules of the Department of Public Aid (89 Ill. Adm. Code 140) because any emergency situation which may exist has been caused by the failure of the Department to pursue normal rulemaking through the procedures of Section 5.01 of the IAPA in a timely manner.

88515473

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC AID

Heading of Part: Support Responsibility of Relatives

Code Citation: 89 Ill. Adm. Code 103

Section Numbers: 103.10

Date Originally Published in Illinois Register: October 13, 1989
13 Ill. Reg. 16180

At its meeting on November 16, 1989, the Joint Committee on Administrative Rules objected to the above emergency rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Joint Committee objects to the emergency amendment of Section 103.10 of the Support Responsibility of Relatives rules of the Department of Public Aid because, contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act, any emergency situation which may exist has been created by the failure of the Department to pursue normal rulemaking through the procedures of Section 5.01 of the IAPA in a timely manner.

This emergency rulemaking amends the Department's rules governing the support responsibility of relatives and when the Department will seek to obtain support for residents of long term care facilities from the spouse of that resident. This amendment is in response to the federal Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360, July 1, 1988).

The Department was asked to explain the threat to the public interest, safety or welfare that required the use of emergency rulemaking in this instance. The Department advised that the rules involve many complex issues which can have a significant budgeting impact on the Department's budget. The Department explained that internal discussions did not resolve how the Department would handle these changes until recently, not in time to implement these changes by October 1, 1989, the date by which the federal law specified the changes had to be effective. As a result, the Department was compelled to utilize emergency rules to meet the federal compliance deadline.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC AID
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Section 5.02 of the Illinois Administrative Procedure Act defines "emergency" as "the existence of any situation which an agency finds reasonably constitutes a threat to the public interest, safety or welfare." The Department's explanation does not seem to justify the use of emergency rulemaking in this instance.

Public Law 100-360 had a July 1, 1988 signing date. Section 303 of that federal enactment provides in Section 303(g) that the federal amendments become effective on or after September 30, 1989. The Department had well over a year to develop rules at the state level to implement these federal changes and have those changes adopted through the normal rulemaking procedures of Section 5.01 of the IAPA.

The Department notes that in developing State rules it was faced with a number of options as to the manner in which federal requirements were to be implemented. Such a situation makes it even more imperative that the normal rulemaking procedures of the IAPA be used. If the normal rulemaking procedures had been used there would have been the opportunity for comment as to the particular options chosen by the Department to implement the federal law. However, such opportunity for comment was precluded when the Department adopted an emergency rule which was not even published in the Illinois Register until after the date upon when compliance with federal law was required.

It seems clear that in this instance that despite the complexity of the federal law, the Department should have used the normal rulemaking process to implement these rules rather than proceeding by the use of emergency rulemaking.

Therefore, the Joint Committee objects to the emergency amendment of Section 103.10 of the Support Responsibility of Relatives rules of the Department of Public Aid because, contrary to the requirements of Section 5.02 of the Illinois Administrative Procedure Act, any emergency situation which may exist has been created by the failure of the Department to pursue normal rulemaking through the procedures of Section 5.01 of the IAPA in a timely manner.

88516180

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 13, 1989 through November 17, 1989 and have been scheduled for review by the Committee at its December 14, 1989 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its December meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
12/28/89	Department of Rehabilitation Services, Service Plan Development (89 Ill. Adm. Code 700)	9/15/89 13 Ill. Reg. 14331	December 14, 1989
12/28/89	Department of Public Health, Program Standards for Local Health Departments (77 Ill. Adm. Code 615)	6/30/89 13 Ill. Reg. 10137	December 14, 1989
12/28/89	Department of Public Health, Minimum Qualifications for Public Health Personnel Employed by Full-Time Local Health Departments (77 Ill. Adm. Code 600)	6/30/89 13 Ill. Reg. 10035	December 14, 1989
12/28/89	Department of Public Health, Joint Rules of the Environmental Protection Agency and the Department of Public Health: Certification and Operation of Environmental Laboratories (35 Ill. Adm. Code 190)	5/19/89 13 Ill. Reg. 7561	December 14, 1989
12/28/89	Department of Rehabilitation Services, Training Services (89 Ill. Adm. Code 592)	9/15/89 13 Ill. Reg. 14338	December 14, 1989
12/28/89	Department of Public Aid, Related Program Provisions (89 Ill. Adm. Code 117)	9/8/89 13 Ill. Reg. 14008	December 14, 1989

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
12/29/89	Department of Public Health, Illinois Water Well Construction Code (77 Ill. Adm. Code 920)	9/29/89 13 Ill. Reg. 15338	December 14, 1989
1/2/90	Department of Employment Security, Employment (56 Ill. Adm. Code 2732)	8/4/89 13 Ill. Reg. 12748	December 14, 1989
1/2/90	Department of Revenue, Retailers' Occupation Tax Regulations (86 Ill. Adm. Code 130)	6/2/89 13 Ill. Reg. 8391	December 14, 1989
1/2/90	Department of Central Management Services, Pay Plan (80 Ill. Adm. Code 310)	9/29/89 13 Ill. Reg. 15141	December 14, 1989
1/2/90	Department of Public Aid, Food Stamps (89 Ill. Adm. Code 121)	8/25/89 13 Ill. Reg. 13503	December 14, 1989
1/2/90	Department of Public Aid, Food Stamps (89 Ill. Adm. Code 121)	8/25/89 13 Ill. Reg. 13503	December 14, 1989

PROCLAMATION
89-404
TOASTMASTERS MONTH (Revised)

Whereas the abilities to speak effectively, listen carefully, and think critically are among the most valuable talents a person can develop; and

Whereas, the development of leadership abilities in men and women is of great value to our democratic society and the free enterprise system; and

Whereas, Toastmasters International, a non-profit, non-sectarian educational organization, is dedicated to providing the opportunity for developing these talents; and

Whereas, Toastmasters Clubs in Illinois make important contributions to the public good through their participation in community service and charitable programs;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 1989 as TOASTMASTERS MONTH in Illinois.

Issued by the Governor November 9, 1989.
Filed with the Secretary of State November 20, 1989

89-536
DECLARES ST. CLAIR COUNTY TO BE A DISASTER AREA

Severe thunderstorms involving extremely high wind on November 15, 1989 caused death and injuries to individuals and extensive damage to homes, businesses and public property in St. Clair County, Illinois.

In the interest of aiding those residents who suffered losses because of this storm damage, I hereby declare St. Clair County to be a State of Illinois Disaster Area, pursuant to the provisions of Section 7 (a) of the "Illinois Emergency Services and Disaster Agency Act of 1988" (P.A. 85-1027, effective June 30, 1988).

This gubernatorial declaration of disaster will assist the Illinois Emergency Services and Disaster Agency in coordinating other State agency resources, continue the active status of the Emergency Operations Center, provide for the reassessment of real and personal property substantially damaged by the storm, and make possible any requests for Federal assistance.

Issued by the Governor November 15, 1989.
Filed with the Secretary of State November 16, 1989.

89-537
FOUR CHAPLAINS SUNDAY

"Surely the astounding and beautiful fact about human existence is that transfiguring times may come to the commonest or simplest person, that suddenly some undistinguished,

JCAR - Joint Committee on Administrative Rules

ACTION CODES

A – Adopted Rule	*P – Proposed Rule*
AR – Adopted Repealer	*PF – Prohibited Filing Ordered by JCAR*
C – Notice of Corrections	*PP – Peremptory or Court ordered Rules*
CC – Codification Changes	*PR – Proposed Repealer*
E – Emergency Rule	*R – Refusal to meet JCAR objection*
ER – Emergency Repealer	*RC – Statement of Recommendation*
M – Modification to meet JCAR objections	*S – Suspension ordered by JCAR*
O – JCAR Statement of Objections	*W – Withdrawal to meet JCAR objections*

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 Ill. Grain Insurance Act (P-18048/85; A-6818)

TITLE — PART — ACTION CODE — PAGE NUMBER — PREVIOUS VOLUME — PAGE NUMBER — ACTION CODE

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240	Community Care Program (P-685; A-17327) (P-10821/88; O-9594; R-11956 A-11193) (P-13353) (E-13638; O-17144)
89 Ill. Adm. Code 230	Older Americans Act Programs (P-14777/88; A-2015) (P-12137/88; A-3054) (P-13119) (P-14499)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 255	Agrichemical Facilities (P-2571; A-13532)
8 Ill. Adm. Code 110	Animal Diagnostic Laboratory Act (P-19153/88; A-3617) (P-15911) (P-16861)
8 Ill. Adm. Code 25	Animal Welfare Act (P-19164/88; A-3628)
8 Ill. Adm. Code 75	Bovine Brucellosis (P-19172/88; A-3636) (P-15915)
8 Ill. Adm. Code 20	Definitions (P-19178/88; W-2166)
8 Ill. Adm. Code 85	Diseased Animals (P-19185/88; A-3642) (P-15926)
8 Ill. Adm. Code 700	Farmland Preservation Act (P-14786/88; A-285) (P-2598; A-10489) (P-17130/88; A-3653)
68 Ill. Adm. Code 600	Grain Dealers (P-19795/88; A-3665)
8 Ill. Adm. Code 80	Ill. Bovine Tuberculosis Eradication Act (P-19196/88; A-3676) (P-15938)
8 Ill. Adm. Code 90	Ill. Dead Animal Disposal Act (P-19201/88; A-3681)
8 Ill. Adm. Code 115	Ill Pseudorabies Control Act (P-19218/88; A-3685) (P-15942)
8 Ill. Adm. Code 230	Ill. Seed Law (P-3511; A-10499) (E-4015)
8 Ill. Adm.Code 40	Livestock Auction Markets (P-15950)
68 Ill. Adm. Code 610	Livestock Dealer Licensing (P-19205/88; A-3690)
8 Ill. Adm. Code 45	Marketing Center (Livestock) (P-15956)
8 Ill. Adm. Code 125	Meat & Poultry Inspection Act (PP-228) (PP-2160) (P-19211/88; A-3696) (PP-15853) (P-16625) (PP-16838) (PP-17495)

AGRICULTURE, DEPARTMENT OF (CONT'D)

2 Ill. Adm. Code 700	Organizational Chart, Description, Rulemaking Procedure, & Programs (A-5066)
8 Ill. Adm. Code 505	Public Grain Warehouse & Warehouse Receipts Act (P-19806/88; A-3703)
8 Ill. Adm. Code 100	Swine Brucellosis (P-15960)
8 Ill. Adm. Code 105	Swine Disease Control & Eradication Act (P-20309/88; A-3715) (P-15968)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

77 Ill. Adm. Code 2056	Driving Under the Influence Programs (P-22265/88; A-7274)

ATTORNEY GENERAL

14 Ill. Adm. Code 200	Franchise Disclosure Act (P-20937/88; A-15365)
14 Ill. Adm. Code 470	Retail Advertising (P-15239/88; A-11441)

AUDITOR GENERAL

74 Ill. Adm. Code 420	Code Regulations (P-11983)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

38 Ill. Adm. Code 350	Loan Agreements Providing for a Bank to Share in Profits, Income or Earnings (P-12163)
38 Ill. Adm. Code 320	Powers Incidental & Germane to Carrying on a General Banking Business (P-8737)
38 Ill. Adm. Code 303	Use of a State Bank's Corporate Name in Identification & Communication (P-2889)

CAPITAL DEVELOPMENT BOARD

44 Ill. Adm. Code 910	Procurement Practices (P-1917; A-8403)
71 Ill. Adm. Code 40	Standards for Award of Grants Elementary & Secondary Schools Capital Assistance Program (P-1283; A-6973)

CARNIVAL-AMUSEMENT SAFETY BOARD

56 Ill. Adm. Code 6000	Carnival & Amusement Ride Inspection Law (P-7845) (E-8025) (P-13993)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

80 Ill. Adm. Code 303	Conditions of Employment (P-17169)
89 Ill. Adm. Code 1300	Day Care (P-19223/88; A-4644)
80 Ill. Adm. Code 302	Merit & Fitness (P-1639; A-12970) (P-15813/88; A-3722) (P-10569/88; A-10820)
80 Ill. Adm. Code 310	Pay Plan (P-20584/88; RC-1254) (P-1296; A-8849) (P-2892; A-11451) (PP-8080) (PP-8970) (P-10725; C-12647) (E-10967; O-14136) (P-11117; A-16950) (E-11854) (PP-12887) (P-15141) (P-17521)
80 Ill. Adm. Code 2150	Service-Connected Days Benefit Administration (P-10285/88; A-2402) (P-6853)
80 Ill. Adm. Code 2650	Solicitation for Charitable Payroll Deductions (P-6871/88; O-1256; R-3411; A-3330)
44 Ill. Adm. Code 1	Standard Procurement (P-19225/88; A-17804)
80 Ill. Adm. Code 2110	State of Ill. Dependent Care Assistance Plan (P-1; A-9259) (E-214)
44 Ill. Adm. Code 5040	State Vehicles & Garage (P-4071; A-13829)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 334	Administration & Funding of Community-Based Services to Youth (P-11915/88; A-6986)
89 Ill. Adm. Code 385	Background Checks (P-13744/88; A-5917)
89 Ill. Adm. Code 431	Confidentiality of Personal Information of Persons Served by the Department (P-11922/88; O-22457/88; R-2532; A-2407)
89 Ill. Adm. Code 310	Delivery of Youth Services Funded by the Department of Children & Family Services (P-11935/88; O-3412; RC-3414; R-7483; A-7308)
89 Ill. Adm. Code 437	Department of Children & Family Services Employee Conflict of Interest (P-13752/88; A-3339)
89 Ill. Adm. Code 408	Licensing Standards for Group Day Care Homes (P-13757/88; O-13277; R-15123; A-14828)
89 Ill. Adm. Code 357	Purchase of Service (P-13807/88; A-3344)
89 Ill. Adm. Code 335	Relative Home Placement (P-16634)
89 Ill. Adm. Code 300	Reports of Child Abuse & Neglect (P-11953/88; O-22472/88; R-2535; A-2419)
89 Ill. Adm. Code 432	Research Involving Children & Families (P-5225; A-16411)